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A SKETCH

OF

THE LIVES

OF

LORDS STOWELL AND ELDON;

COMPRISING,

WITH ADDITIONAL MATTER, SOME CORRECTIONS OF

MR. TWISS'S WORK ON THE CHANCELLOR.

BY

WILLIAM EDWARD SURTEES, D.C.L.

BARRISTER AT LAW.

21152

"Look here upon this picture and on this;
The counterfeit presentment of two brothers."

HAMLET. ACT III.

LONDON;
CHAPMAN AND HALL, 186, STRAND.
1846.

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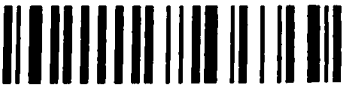

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TO

THOMAS TURNER, ESQUIRE,

M.A. BARRISTER AT LAW,

THIS SKETCH

OF THOSE, WHOSE PROFOUND LEGAL ACQUIREMENTS

FULFILLED THE EARLY PROMISE

OF

THEIR BRILLIANT UNIVERSITY DISTINCTIONS,

IS

APPROPRIATELY DEDICATED.

PREFACE.

THE title-page expresses the design of this little Work. In the valuable biography of Lord Chancellor Eldon by Mr. Twiss, there were mistakes and omissions which I observed and regretted: and I was induced to devote, occasionally, some perhaps otherwise idle hours to correcting and supplying them. The histories of Lord Stowell and Lord Eldon were much entwined in early life. They were easier, therefore, to unite than to dissever. The results of my labours (for which no claim can be set up to the importance of regular biography) were contributed in a series of papers to the New Monthly Magazine. They appeared in the Numbers for June, August, October, and December of 1845, and in those for January, February, March, and April of 1846. The articles are now re-published with some additional documents, and with such alterations

seemed desirable when the work assumed a form which aspired to a little more of permanence.

Respecting my sources of information it remains to add a few words.

I have often heard my grandfather, Mr. William Surtees, the school-fellow, brother-in-law, and intimate friend of Lord Chancellor Eldon, mention circumstances of his history: and, after my grandfather's death, I availed myself of many opportunities of adding to my information respecting Lords Stowell and Eldon, by conversing with persons well-informed concerning them.

Previously to the appearing of Mr. Twiss's volumes, I had seen, in the possession of Mr. John Bell of Gateshead, a collection of original letters and traced copies of letters from both Lord Stowell and Lord Eldon. The traced copies were the facsimiles of letters addressed to a brother, Mr. Henry Scott. The original of these now exist in the possession of Mr. Pearson of Newcastle.

Mr. Bell has since, in the most liberal manner, lent me his copies; and these are the letters which, sometimes entire and sometimes in extracts, are quoted in the first three chapters of the following sketch. To both Mr. Bell and Mr. Pearson my acknowledgments and thanks are due for their permission that I should publish as much as I pleased of these documents.

For a copy of the letter of Lord Eldon to the late Earl Grey on the subject of the Durham magistrates, I am obliged to the kindness of Mrs. Surtees of Mainsforth in the county of Durham: and for the loan of the originals of the letters of Lords Stowell and Eldon to the Mayor of Newcastle-on-Tyne I have to thank Mr. John Bell. These letters are contained in the latter part of the fourth chapter.

The letters addressed by Lord Eldon to my grandfather, Mr. William Surtees, are the property of my cousin, Mr. Henry George Surtees, who has favoured me with the loan of them. They are given in the fifth, seventh, and eighth chapters.

As my occasional tracings of the careers of Lords Stowell and Eldon are sometimes at variance with the narrative of Mr. Twiss, it was satisfactory to me to find that their authority has been supported by the introduction of copious extracts from them, into "the lives of Twelve English Judges," just published, in a collected form, by my able friend Mr. Townsend; a gentleman whom Mr. Twiss himself recognizes as a competent judge of authenticity, by the frequent citations, which, in his own life of the Chancellor, he has made from his articles on Lord Eldon, formerly contributed to the Law Magazine.

Temple, 23rd June, 1846.

CORRIGENDA.

Page 4, line 21, *for* occurrence, *read* coincidence.
14, line 23, *after* £2,000, *add* and Mr. Surtees £1,000.
36, line 4, *for* to his ability, *read* to its ability.
64, lines 18 and 19, *remove this mark — from the end of the word* with *to the end of the word* neutrals.
77, line 2, *for the words* a Mrs. Siddons [sic] *read the words* a Mrs Sidons [sic].
80, line 3, *for* Burgoye, *read* Burgoyne.
89, line 7, *for* mentamque, *read* metamque.
102, line 20, *after the word* regulated, *add marks of the conclusion of a quotation.*
169, *for the words* hardy adventurous crew, *read the words* hardy and adventurous crew.

A SKETCH

OF THE

LIVES OF LORDS STOWELL AND ELDON.

CHAPTER I.

THE first authenticated ancestor of the Lords Stowell and Eldon is their grandfather, William Scott of Sandgate; whom, from a family tradition, Mr. Twiss states to have been a clerk to a "fitter," and whom the accurate local antiquary and genealogist, Mr. John Bell, of Gateshead, has described to the author of this Sketch as having been, in the latter part of his life, the owner of several "keels."

I must now hasten to interpret a language but little known beyond the banks of the Tyne. "Keels" are large barges belonging to those who exercise the trade of "fitters," a sort of water-carriers and brokers of coal. They are manned by two swarthy sailors, who navigate them freighted with the native "black diamond" from the higher part of the Tyne to its ports, either of Newcastle or Shields, for exportation or for consumption on the spot. The business of a fitter was a very profitable one; and there are several families amongst the more important gentry of Northumberland

and Durham, who owe the creation or the increase of the fortune that has been transmitted to them to the exercise of that trade by their ancestors. So productive indeed was it found, that now it is little known as a separate calling; those who "work," preferring also themselves to "fit" their coal.

Sandgate was classic ground long before it was recorded as the original habitation of the Scott family; for there the scene is laid in the peculiar and chacteristic old song of Newcastle-upon-Tyne, set to a lively tune well known through the north as the "keel row," and commencing in the following words:

> As I came thro' Sandgate, thro' Sandgate, thro' Sandgate,
> As I came thro' Sandgate, I heard a lassie sing,
> "Weel may the keel row, the keel row, the keel row,
> Weel may the keel row, that my laddie's in."

Sandgate, the ancient "*habitat*" of the Scotts, and the spot where the incantation of the lassie invoked so appropriate a blessing on her laddie's labours, taking its name from a gate in the ancient town-wall of Newcastle, near the sandy shore of the Tyne, was an old street in the suburbs running parallel to the river, and opening to it by narrow lanes. It is (to compare small things with great) the Strand of Newcastle; but a Strand leading to Wapping instead of to the West End. The barrier gate on the sand, which in border conflict "had oft rolled back the tide of war," has at length yielded to modern convenience, and the suburb gate of Sandgate now mingles with Newcastle.

William Scott of Sandgate, who has already been mentioned, was described, in the indenture of appren-

ticeship of his son, as being of the degree of yeoman—a style not necessarily signifying the cultivator of his own farm, as we commonly understand it; and there no doubt simply meaning a householder, of too poor estate to allow of his designation either as a gentleman or merchant, yet raised above the ranks of servile drudgery. It was applied alike to the reduced cadets of gentle blood, and to the aspiring scions of the successful labourer. The history of the family of Scott well exemplifies the quaint definition which the venerable Fuller thus gives of the class comprised under this term. "The good yeoman is a gentleman in ore, whom the next age may see refined; and is the wax capable of a gentle impression when the Prince shall stamp it."*

The son of the yeoman of Sandgate was, like his father, called William. He, on the 1st of September 1716, was bound apprentice to a coal-fitter in Newcastle: hence by service he obtained the freedom of that town, becoming a member of his master's company, the guild of Hoastmen, which comprised, from an early period, those engaged in the loading and selling of coal and grindstones, the subterranean wealth of the neighbourhood.

This William Scott, according to a natural and pleasing family progression, engaged as a principal in that business in which his father had been a clerk. Not content, however, with the profits of a coal-fitter, he is said to have kept, at one time, a sort of public-house† near the Quay, at Newcastle, for the purpose, it is pre-

* Fuller's Holy State.

† From the information of Mr. John Bell.

sumed, of supplying his own keel-men with their liquor, and thus realizing the returns of the modern truck system. He entered also into speculations in shipping generally, and in the maritime insurance called bottomry. The book into which Mr. Scott copied his letters of business still exists, and is in the possession of Mr. John Bell of Gateshead, who has found means, amid laborious application to his profession as a land surveyor, to amass a rare manuscript collection of antiquarian and legendary lore. By his industry and frugality Mr. Scott was in time raised to consideration amongst the trading community of his native town; and, though he seems seldom to have mixed in society, or to have been heard of beyond his counting-house or the Exchange, there is no reason to suppose the high opinion entertained by his descendants of his prudence and probity exaggerated.

His sons, who grew up to manhood, were William, afterwards Lord Stowell, Henry, a merchant and coal-fitter in Newcastle, and John, afterwards Earl of Eldon. And here we should remark a peculiar occurrence in the births of the eldest and youngest son: Lord Stowell and Lord Eldon were each twins, having each been born with a sister.

For a history of the schoolboy days of the Scotts I am possessed of but little original information. All three brothers went to the grammar-school at Newcastle, and all are acknowledged to have possessed high talent. According to Lord Eldon's own account, he used to be foremost among the "idle progeny"

> That chas'd the rolling circle's speed
> Or urg'd the flying ball.

Be that, however, as it may, there is no doubt that both William and John contrived so to spend their boyhood as to acquire a considerable store of learning, and to become, in turn, great favourites with the head master, the Rev. Hugh Moises.

Mr. Moises was an able and worthy man, and had generally the good fortune to win the regard of his pupils. In society he used to lay himself out to talk smartly, after the manner of diners out; yet he would not unfrequently mix his conversation with grave appeals to his conscience and his God, in the line of a somewhat more questionable gentry. The eldest Scott successfully attempted the former accomplishment; while the disposition, which the youngest occasionally evinced through life to adopt the latter, may reasonably be attributed to the influence of the same early example.

An accident, of which without doubt the correcter version is that preferred by Mr. Twiss,* had, by shifting the scene of William Scott's birth from Northumberland to the county of Durham, rendered him eligible for a Durham scholarship in Corpus Christi College, Oxford; and of this he did not fail to avail himself, acting probably upon a suggestion from Mr. Moises.

Having been born on the 17th of October, 1745 (old Style), he obtained his scholarship at Corpus on the 24th of Feb. 1761, when he was a little turned sixteen years old. From his scholarship at Corpus he was, in December 1764, elected to a fellowship in

* Twiss's Eldon, ch. i. p.27, first edition. To this edition, when not otherwise expressed, the reference by pages will always be made.

University College, where, as a tutor, he gained a high reputation for himself and his College.

And here let us leave him to spend some years on the classic, though monotonous, banks of Isis, while we hasten back to the shores of the Tyne, in order thence to accompany his youngest brother, John, through the changes and chances of his early career.

John Scott was born on the 4th of June, 1751, in his father's house in Love Lane, Newcastle, being nearly six years younger than his eldest brother. When he had gone through the education afforded by the local grammar school, his father, uncertain to what business it might be best to devote him, talked of placing him in his own trade of coal-fitting; but that was also the destination of his brother Henry: and William Scott, who seems to have been always tenderly attached to his youngest brother, suggested that he should be sent to his own college, University, under his patronage; and there he was entered as a commoner 15th of May 1766.

And well, with such a brother to direct his studies and stimulate his perseverance, might the young collegian experience how

> Resistless burns the fever of renown,
> Caught from the strong contagion of the gown.*

Accordingly in the following year we find him acquiring a fellowship in his college, and in the summer of 1771, gaining the English prize essay—the only prize then held out for competition by the University of Oxford.

The subject of this essay was the advantages and dis-

* Johnson's "Vanity of Human Wishes."

advantages of foreign travel. Its language is deficient neither in strength nor grace; and its phrases and turns remind us not unfrequently of those of his brother's friend, the great Doctor Johnson, with whose works its author must undoubtedly have been very familiar. Its matter and arrangement indicate the possession of strong sense by its writer, together with a disposition to heap conflicting doubts into each scale, and then to watch with delight the trembling of the uncertain balance; but there is not be found in it an originality of thought or imagination which can entitle it to the highest praise; namely, that it is a work of genius. This essay will afford an interesting key to the earlier mental developments of this distinguished lawyer, if we apply to it the rule laid down by Gibbon: "The style of an author should be the image of his mind, but the choice and command of language is the fruit of exercise."

Notwithstanding Mr. John Scott's successes at the university, I do not believe that his academic studies were pursued with extraordinary enthusiasm, or that he ever afterwards spoke of the period at which he was an undergraduate as one of unusual diligence. He seems then to have entered, with all the zest of youth and a cheerful disposition, into the ordinary amusements of his fellow-students. It was only after his marriage that his application became unremitting; and the law was the first study upon which he concentrated the whole vigour of his faculties.

His plan of life now was to be, when old enough, ordained, and eventually to retire from Oxford on a college living.

About this time, however, we find his heart much interested in Miss Surtees, the lady whom he subsequently married. So romantic were the circumstances that attended, so important were the events that followed this marriage, that I think I shall be excused if I avail myself of my original sources of information to make a somewhat lengthy digression upon it.

Elizabeth Surtees was the eldest daughter of a large family. Her father, Mr. Aubone Surtees, was a banker of Newcastle, and her mother, the beauty of a preceding generation, was the child of Mr. John Stephenson, of Knaresdale Hall, Northumberland. A wine merchant of Newcastle, and a man of great commercial ability generally, Mr. Stephenson had directed and shared the extensive speculations in the hop trade of his eldest brother, Sir William Stephenson, of London,* and became one of the richest men in Newcastle, then the commercial capital of the north of England. He left a large family, the two elder sons of which he placed by his will in a position of independent affluence. Henry, the eldest by birth, had a house in Park-lane, which he occupied in the London season, and he used to spend the principal part of the summer in Berkshire, at a residence which he rented. He had an only child, a girl of surpassing beauty, of whom in a short time there will be occasion to make further mention.

Such were the circumstances of the Surtees family (so far at least as they have any bearing on the subjects of this sketch) at the time that the eyes of Jack Scott and Bessy Surtees first met in the fine old

* Lord Mayor of London in 1764.

Gothic church at Sedgefield, a pretty village in the county of Durham, where Miss Barbara Surtees, an old maiden aunt of the latter, was residing. The mode of introduction is not now known, but that is a difficulty not hard to be overcome by the ardour of a youthful admirer. It is presumed that the acquaintance was rapidly improved at the public balls in the Newcastle assembly rooms, where the fair *débutante* was considered so attractive that, before she had attained the age of eighteen, her hand was sought by the flower of the surrounding squirearchy. But John Scott was her favoured swain, though probably in point of position he was then far the least eligible.

Appeals to interest may be made to blighted hopes or furrowed brows, but brightly opening youth repels them with disdain, when they would deprive it of the new luxury of love, and snatch away, as soon as tasted, the sweetest cup in Nature's meagre banquet. So, in the hope by absence to eradicate the impressions Mr. John Scott had made, Miss Surtees was sent southward to visit her uncle, Mr. Henry Stephenson; and, at his house in London, and at his country residence in Berkshire, she spent many months in the society of her cousin, Miss Stephenson.

Of the two cousins, Miss Surtees was the elder by some three years. Her figure was slight, and of a short, middle size; her hair, of the deepest brown, streamed in rich ringlets over her small neck. From her mother she had inherited features of exquisite regularity, as well as a strongly marked character, and a warm but very affectionate temper.

Miss Stephenson, though yielding nothing in beauty

to her cousin, had features somewhat less symmetrical. The mouth, of an infantine simplicity, but as sweet as that of a smiling infant, indicated more of pliability and less of individual character. A contemporaneous painter * has represented her with hair, which, not permitted to conceal any part of that which it was designed to ornament, was raised from her neck and forehead by a broad band, and clustered in rich wreathing curls round the crown of her head; while her dress, in its easy simplicity, was that of "beauty adorned the most."

Such was the girlhood of the Countess of Eldon and the Countess of Mexborough. The former, rather than relinquish the fond object of her first affections, encountered all the difficulties of a straitened income, and, after having in youth trimmed the midnight lamp for the studies of her husband, and having honourably schooled, into a pinching parsimony, a disposition, represented by her contemporaries as having in youth been liberal, in order to meet his necessities, was rewarded in age, by seeing, from her secluded retirement, him, whom she had thus loved and cherished, invested with the highest honours of the state. The latter, too, had an early attachment: but this, in accordance with the more ambitious views of her parents, she was induced to forego, and she became the bride of the Earl of Mexborough. In her heyday, Almacks brightened at her smile; and there also in age was she seen, with cheeks where art had vainly tried to retrieve the faded bloom of nature, and restore

* The Rev. William Peters, who painted a portrait of her when Miss Stephenson, from which Dickinson has executed an engraving.

the rosy light of youth. She was a ruin, from the otherwise serene beauty of whose aspect much was detracted by the injudicious introduction of parterres filled with Spring's gayest flowers; but still, as it was said of her by one, who could even then find sufficient traces of pristine brightness to command homage, she was "the finest ruin in England."

We must not further anticipate the narrative; but hasten back to the year 1772, when the two girls used to roam together in the shady lanes around the pretty village of East Burnham, in Berkshire, close to which Mr. Stephenson lived.

In the spring or summer of that year they parted —seldom to meet again; and Miss Surtees returned to her father's residence in Newcastle.

The attachment between Mr. John Scott and Miss Surtees had experienced a different reception by their two families, though the imprudence of relinquishing a fellowship on the one side, and that of marrying a youth who had his way to make in the world on the other, were obvious to each. The Scotts seem to have been willing that a marriage should eventually take place; while the Surteeses were anxious to defeat it altogether, and very probably represented to their daughter the far higher pretensions of some less favoured suitor.

And now let us hasten to the catastrophe.

The house * in which Mr. Surtees lived was a very

* Of this an engraving is given in the first and second editions of the work of Mr. Twiss. Not long after the period now spoken of in the text, Mr. Surtees changed his residence to Benwell, which is situated at a short distance from Newcastle.

large, old-fashioned building, in a row of houses, called Sandhill, which fronts towards the Town-hall, the Exchange, and the river. The ground-floor was occupied by the shop and warehouse of a Mr. Snow Clayton, an extensive clothier; but between the shop and the rest of the house there was no communication, each having a separate entrance.

Mr. John Scott had an early friend of the name of Wilkinson; and to him he confided a plan for an elopement. Wilkinson, who was a young man of some small independence, which he contemplated investing in trade, had apprenticed himself to Clayton the clothier; and as Clayton's shop was under Mr. Surtees' residence, his apprentice must have possessed peculiar means of facilitating the escape.

The night of Wednesday the 18th of November, 1772, was that selected for the elopement. At that time the garrison within the house at Sandhill was weakened by the absence of Mr. Surtees' eldest son, William, who was on a visit of a few days' duration to some friends. He had been the school-fellow of Mr. John Scott, and, being nearly of the same age, would, if at home, have been very capable of either intercepting a flight or leading a pursuit.

Wilkinson was faithful to Scott in aiding and abetting the enterprise, and is supposed to have materially assisted him by concealing* a ladder in the premises of Mr. Clayton below. A ladder, probably produced by

* Mr. Twiss seems not to have been aware what part, or even that any part, in these transactions was taken by Wilkinson; but in a letter from Lord Eldon to Mr. U. H. Reay, dated September 8, 1801, quoted in his work, Vol. i. p. 388, (chap. xvi.) the following

Wilkinson, was placed against the most westerly window on the first floor; and down it Bessy Surtees "with an unthrift love" descended into the arms of John Scott.

That night they were "over the border and away," and the next morning were married at Blackshields, in Scotland.

In a few days the young couple returned to Newcastle, but found sad or averted faces. Mrs. Surtees had been so affected with the flight of her daughter, that she had kept her bed for several days; and the mind of the disappointed mother fluctuated between sorrow and anger. Nor would the irritation of the bride's family be mollified by a letter which Mrs. Surtees, a short time afterwards, received from her sister-in-law, Mrs. Henry Stephenson; who, piqued perhaps that the good advice, which she no doubt had given her niece during the visit, was all thrown away, apologized for her husband's and her own intention of taking no notice of Mr. and Mrs. John Scott, but assigned as a reason that their own family consisted of an only daughter, with a very pretty face and a good fortune, to whom it would be imprudent to present a sanction to elopements by receiving a young man who had carried off her cousin.

Mr. Scott, however, received his son and newly-

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touching allusion to the death of a person named Wilkinson, may be presumed to have reference to the same early friend :—

"Before I say a word about other matters, let me heave one sigh over James Wilkinson! It was but yesterday that we three were engaged in the follies of childhood and the sports of youth. The period which has since past, seems short—how short, in all probability, must that appear then, which is yet to pass before we shall be gathered together again!"

acquired daughter kindly; and, a few days later, Mr. Surtees was induced by the intercession of his eldest son William (who, it has already been stated, was John Scott's old school-fellow), to extend to the delinquents an ostensible forgiveness, though his displeasure appears not to have been entirely obliterated for the next two years and a half; and their friends generally seem wisely to have coincided in the unanswerable reasoning of Benedick, when converted from his anti-matrimonial heresies, "The world must be peopled!" In after life, Lady Eldon used to state that, on this critical occasion, her brother William showed her more of kindness than any other member of her own family; and her husband, when, as chancellor, he had an opportunity of advancing his children in their professions, gave proof that he had not forgotten it.

John Scott, "*toujours traité en enfant cheri, jamais en enfant gâté*,"* was the favourite child of his father's age; and an economy, somewhat exact towards other members of his family, was relaxed in favour of him.

From the life of Lord Eldon by Mr. Twiss, it appears that, not long after the marriage, Mr. Scott settled on the young couple 2000*l.*, with interest in each case at 5 per cent. till the principal should be paid; and that some years afterwards Mr. Surtees added another 1000*l.*† The emoluments of the fellow-

* Rousseau's Confessions.

† The original firm in the Newcastle bank consisted of Mr. Surtees and Mr. Roland Burdon the elder. Mr. Burdon died in 1786. Mr. Surtees lived to 1800, and then, having survived his memory and powers of transacting business, expired at the age of 90. He left a moderate paternal estate, and considerable personal property to his eldest son;

ship had not to be relinquished for a year after the marriage; and Mr. John Scott had from other sources (partly, it should seem, from having exercised the office of private tutor at the University College* previously to his call to the bar), some accessions to his means; so that, though far from affluent, he was, considering the value of money in those days, far removed from distress.

In the commencement of February, 1775, Mrs. John Scott's brother, Edward Surtees died, and his death appears to have opened the way to a more cordial reconciliation with her parents than had yet taken place.

To this Mr. John Scott alludes in a letter dated, 3rd April, 1775, which is addressed to his brother Henry, and has an Oxford postmark. There is also an allusion to Sir Matthew White Ridley, the Mayor of Newcastle that year. The letter is much mutilated, and the parts in brackets have been supplied from a consideration of the context and the space. Those who follow therefore, can adopt or reject these readings.

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and about 50,000*l.* (being part of the capital of the bank), to pay the fortunes of his five other children who survived him. But there was a deed of agreement that, in order to obviate the inconvenience of the sudden withdrawal of capital from the bank, the principal of the share of any partner dying should not be taken out of it for four years after his decease: and, in 1803, this capital was swallowed up in extensive, but unfortunate speculations, which had been undertaken by the younger partners in the bank amongst themselves, and with which Mr. Surtees had been individually unconnected. With it went a fortune designed for Lady Eldon.

* Twiss, vol. i. chap. v. p. 91.

"You will stare when I tell you we have actually had a very pressing Invitation to Newcastle, and that I believe, from the Circumstances which attended it, that it was a very sincere one. The death of one child perhaps * beget some consideration about another. Bessy would have gladly seen her friends, and she often promised herself much Happiness in seeing yourself, as I know you would have in seeing us both; but my engagement made it impossible ever to think a moment about it.

"You have greatly improved your Mayor, [and] that family have lately behaved to me as if they meant to make me ample amends for the little attention [I re-received] from them at Newcastle. Sir M. having attain[ed civility] his next Improvement must be not to think [himself] a wit. I must beg you once more to rem[ember] me very affectionately to your Wife. Bessy [very] heartily joins me; and we both hope the [little] one is as well, and, the difference of sexes [allowed] for, as stout as our own. Bessy often spea[ks of] the watch which is to be your Legacy, but [I trust its] Index has many myriads of Revolutio[ns to arrive] at before you receive it."

Mr. John Scott's early plan of taking orders had depended on his expectation of a college living; but, since his marriage led to the relinquishment of his fellowship, his views were transferred to the law, and to establishing himself as a provincial barrister in Newcastle. As, however, a "year's grace" is given to a

* So in the original. The word "may" has probably been left out here through accident.

retiring fellow, during which he maintains his claim upon the church patronage of his college, he was prepared to accept any clerical preferment which should in that interval become vacant: but here his hopes were crossed; and he fell back upon the bar; thus adding a fresh example to those which illustrate how often, even in the things of this life, our disappointments are productive of our ultimate advantage.

Unallured by gay contemporaries into the idleness or dissipation of the metropolis, the youthful husband now devoted himself to "hiving knowledge" of his profession through the laborious years of his legal studentship: and on his call to the bar in February, 1776, he was in learning, as well as in name, a barrister. "Nec Agricola licenter, more juvenum, qui militiam in lasciviam vertunt, neque segniter, ad voluptates et commeatus, titulum tribunatus et inscitiam retulit."*

Shortly after he had been called to the bar, when dining with Mr. Heron, a leading attorney at Newcastle, he expressed himself as about to settle there. Mr. Heron, however, attempted to dissuade him, on the ground that London was the proper field for such powers and acquirements as his; and added, "Only go; and I'll give you a guinea now, on condition that you give me a thousand when you're chancellor." And so saying, he handed him a guinea, which Mr. John Scott proceeded to put into his pocket. On this, his brother, Mr. William Scott, who was also present, exclaimed in a tone of remonstrance, "Jack, you're robbing Heron of his guinea!" when Jack took the hint, and

* Tacitus. Vita Agricolæ, c. v.

immediately returned it. In the end he determined trying his fortune in London.

And thus having, by circumstances which either he did not control or the effect of which he did not foresee, narrowly escaped the condition of a coal fitter, a country parson, or a provincial barrister, he was placed in the road which was to lead him to the high station of Chancellor of England.

Mr. John Scott now joined the northern circuit; and in the summer of this year, whilst in attendance upon it, visited Newcastle. In the autumn he returned to London; and here in the early part of November intelligence reached him from the north that his father was dying.

Old Mr. Scott expired on the 6th of November, 1776, aged, according to Mr. Twiss, seventy nine years.

On the 8th of November, two days subsequently to his father's death, but before information of it had reached him, Mr. John Scott thus poured out his affection and his grief in a letter to his brother Henry: "I must say it gives me very great concern that I should be the only one of my Father's Family at a distance from him at this Time, and, if your Letter did not preclude every Hope that Providence might prolong his life till I could get down, I should suffer nothing to prevent my setting out immediately. If he should live to the Hour in which you receive this, pray let me be remembered to him in the warmest expressions of Love, Duty and Gratitude—But if it should please God to take him to himself before that Time, relieve me from the Unhappiness I feel least my Absence, by leading him to doubt on this Occasion the Sincerity of

my filial Affection, shall have excluded me from a share of his last Blessing. I must beg too that you will assure my Mother that, if my Presence can be any way necessary in assisting you to administer to her every Comfort which her Situation will require, there is nothing that shall prevent me from coming down—I shall be happy on this Occasion in joining you in the discharge of every Duty to her as a Parent who deserves so well of us all."

CHAPTER II.

WILLIAM SCOTT (afterwards Lord Stowell) did not,* any more than his youngest brother John, follow eventually that profession, for which, on entering life, he had been designed.

His youthful reputation both in his native town and at Oxford, seems to have suggested the bar; since in this, more at any rate than in any other vocation, it has been fancied that the race and the battle are to the swift and to the strong; he, therefore, on the 24th of June, 1762, when between sixteen and seventeen years old, was entered as a student at the Middle Temple. However, the fellowship and tutorship which he soon acquired, afforded him, while resident at Oxford, a liberal maintenance,† together with the means of saving, of which he did not neglect to avail himself: and either the limited supplies which he received from home, or the misgivings he entertained of the substance of his

* Sketch of the Lives and Characters of Eminent English Civilians," by one of the members of the College of Advocates.

† The fellowships at University College, to which Mr. Scott belonged, are now worth between two and three hundred a year. The senior tutorship, which Mr Scott for some time held, is, in these days, worth somewhere about five hundred a year.

father, deterred him from relinquishing a certainty, for that which, though promising, was precarious. But his father's death in the autumn of 1776, removed the doubts or difficulties that had originally led him to hesitate; and he resigned an employment in which he had experienced from the first more of success than satisfaction.

In land, houses, and mercantile and other personal property, old Mr. Scott seems, at his death, to have left behind him a fortune amounting to not far from £20,000 in value. His wealth was considerably exaggerated in the first and second editions of Mr. Twiss's life of Lord Eldon: but it is unnecessary here to repeat the facts and arguments contained in the New Monthly Magazine by which the mistake was proved and accounted for; as, in a note at the end of the first volume of his third edition, Mr. Twiss, with a candor which does him credit, has referred to that publication, and acknowledged that the information which he had previously received was incorrect.

The tenor of Mr. Scott's will was in accordance with the tradition of his equitable character. To John Scott his father bequeathed the sum of £1,000 over and above the £2,000 settled upon him after his marriage: to his widow, his son Henry, his two daughters and a granddaughter, he left reasonable provisions; and subject to the payment of all these legacies, he gave his whole real and personal property to his eldest son William.

Mr. William Scott, who was executor to his father, afterwards, from motives of prudence or necessity, delayed paying off the principal of the fortunes of his

brother Henry and his sisters beyond a year after the death of the* testator,—the period which the law allows to an executor for discharging the claims of the legatees.

Already it has been stated that Mr. William Scott seems to have been early designated for the bar. To this, after a long interval, he, on the death of his father, recurred.

In a letter addressed to his brother Henry, and dated "London, May 16, 1777," he says: "I have got Rooms in the Temple,† and keep Term with a view of being called to the Bar as soon as possible, which will be in about two years. My poor Father's Reserve has thrown me very backward in Life, but I hope to regain my Time by unremitting Industry. I shall go down to Oxford in a few days, and shall spend a fortnight or three weeks there." In another letter, written the same year, and with a post mark of the 6th of August,

* This statement is supported by several letters, penned by Mr. William Scott to his brother Henry. One letter addressed "Mr. Henry Scott, fitter, Broad Chair, Newcastle-on-Tyne," without a date, but with the post-mark of the 7th of April, and from internal evidence written in the year 1777, says, "I must keep you in mind of your Promise to allow me to consult my own Convenience in the Payment of my Balance to you. If I should not even pay you for some Years, I hope you will not think I trifle with you." Another letter dated "February 12, 1778," proceeds as follows: "I wish much to know privately from yourself how my mother's Income answers now she has had a year's experience. If it is Defective (as I hope it is not), I shall think it my Duty to make an Addition to it from my own. To my Sisters I mean to allow 70*l.* a year Interest, unless any supervening Narrowness of my own Circumstances should oblige me to contract it to 4¼ and not lower."

† He took chambers at No. 3, King's Bench Walk, Inner Temple.

he says: "I have laid aside all Thoughts of coming down to Newcastle for this Year, having devoted this Summer to Solitude and Study at Oxford. Indeed I have some Business upon my Hands, which I am very much intent upon finishing this Season, and therefore shall not make any distant Excursion. The University is very empty. I have had my friend Johnson staying with me for a fortnight."

Mr. William Scott's standing among the senior fellows of his college, would probably have procured for him a suite of rooms large enough to comprise a spare bed-room for a friend; and the frequenting in those days, by Dr. Samuel Johnson, of the fellows' common room at Univerity College, is now commemorated there by his bust.

During his residence in Oxford as a college tutor, William Scott is found complaining of his health, and alluding to the time when his constitution first began to break. In the long vacation he sometimes took a trip to the continent; and experienced practically, what his youngest brother knew only in theory, the advantages and disadvantages of foreign travel.*

But, though he had now relinquished his tutorship, he fortunately did not at the same time vacate the chair of Camden Professor of ancient history, to which in 1774† he had been elected by the University of Oxford. He now, therefore, united with the study of the

* The subject of John Scott's prize Essay at Oxford.

† The "Oxford Callender" says 1774; but in Mr. Twiss's work, vol. i., p. 187, ch. ix., the date assigned is 1773. As the precise date is of little importance, I have not attempted, by further investigation, to settle the conflict.

law, the composition of a course of lectures, the fame of which has rendered his classic youth the rival of his judicial age. In a letter,* addressed to his brother Henry, dated "Feb. 12, 1778," and from internal evidence written in London, he says: "I live much here with Jack, with who[m I dine] and sup constantly when I am not engaged, h[aving by] that means the Comforts of Domestic Society. [I am] much taken up with Study, being obliged, to[gether with] due Attention to the Law, to compose a Set of Lectures, which I shall deliver publicly next Term at Oxford."

The lectures were read in the Easter or Trinity term of that year. The tradition which I have received respecting them is vague and uncertain in every thing but their excellence: yet a character of Alexander the Great has been mentioned to me, as uniting the splendour of the poet and the integrity of the historian. In doing justice to the merits of such a performance, the difficulty of the undertaking should not be overlooked:—for who could worthily describe the embodied chivalry of classic antiquity?

> Quis Martem tunicâ tectum adamantinâ
> Digne scripserit?

Mr. Milman appears to have seen the manuscript of these lectures: for, in a note to the first chapter of his history of Christianity, he mentions that he has been much struck by finding in one of them a very

* The letter is somewhat mutilated; the words in brackets have been supplied from consideration of its context, and the spaces which had to be filled up.

strong and lucid statement to the effect that there is no recorded instance of a nation being self-raised from a savage life: and this fact is applied by Mr. Milman to disprove the theory that the primeval state of man was altogether barbarous; though it is not clearly stated in the note whether this application was orignally that of the lecturer or of the historian.

To the manner in which these lectures were originally received, their author thus modestly alludes:* "My lectures were read to the University at large, and I hope not without some Degree of Credit. I shall read them once more and then publish them."

Afterwards, however, Mr. Scott could be induced by no solicitations to print them. The reason which he is understood to have assigned for refusing was a sort of professional delicacy—he was unwilling to contract the field of his successors in that chair, by preoccupying some of the brightest epochs of antiquity: but it may be suspected that this change of intention was the joint effect of his modesty and his caution—he thought his lectures had received greater praise than they deserved; and was unwilling, by exposing them in a more tangible shape to criticism, to risk what he had obtained. It is trusted, however, that this valuable manuscript will at length see the light: for there can be no doubt that the present generation would welcome the publication of that which earned for its author so high a reputation with their fathers.

But to return to William Scott's professional career.

* In a letter dated "Oxford, July 17, 1788."

It is probable that some time elapsed from the death of his father, before Mr. Scott decided upon devoting himself to the ecclesiastical and admiralty courts. In coming to this decision he would probably be influenced by discovering, while keeping his terms at the Temple, that, as the courts of equity and common law were not, in those days, so much frequented by distinct sets of practitioners as they are now, he could not practice at either bar without invading that interest to which his brother John had acquired the right of first possession. He was called to the bar on the 11th of February, 1780: but he had three months previously been admitted, at Doctors' Commons, into the faculty of advocates; having taken, as a necessary preliminary, the degree of Doctor of Civil Law.

And here let us pause.

His two younger brothers had been for some years married; and it may now be asked of him—did a mind pre-occupied by study escape the tender susceptibilities of early manhood? Had the sober Muse of History, whom he so assiduously worshipped, hid her gentle votary mid the academic meads of Christ Church, or the secluded gardens of the Temple, from an adversary that youth is little able to resist?

In early life Mr. William Scott entertained a strong attachment to a fair townswoman of his own. The lady, Miss Jane Reay, was the daughter of Mr. Joseph Reay, a large wholesale grocer* in Newcastle, who,

* The following passage, from Mr. Twiss's work, vol. i., p. 78, ch. iii, has reference to the early history of Lord Eldon; but all notice of it here has been intentionally deferred to this part of the contemporaneous history of Lord Stowell.

having acquired the fourth part of a profitable speculation near the Tyne, called the Walker Colliery, had retired, or was on the point of retiring, from his original trade. She is said to have had such pity for his sufferings as a lover would desire. But the stream on which they were embarking, infamous for wrecks,

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"It has been said upon highly respectable authority, that, at the anxious and critical period which immediately followed his marriage, Lord Eldon had a narrow escape from being a grocer. The particulars, as related in the *Oxford Herald* of the 28th of January, 1838, are, that a worthy and wealthy grocer of Newcastle, who had no children of his own, paid a friendly visit to Mr. Scott, the elder, upon his son's marriage, and, after expressing an apprehension that Mr. Surtees would never forgive either his daughter or Mr. John Scott, proposed to take John into partnership; that Mr. John Scott deferred his answer till he should have received a letter which he was expecting from William; and that William's letter determined the answer in the negative."

Now I did not credit this story for two reasons:—because I had never heard it till it appeared in print after Lord Eldon's death; and because, since that event, I neither have seen noticed in Mr. Twiss's volumes, nor heard of elsewhere, any contemporary individual who answers the description of a "wealthy grocer of Newcastle, who had no children of his own."

Possibly, Mr. Joseph Reay (who, however had both a son and daughter of his own), may have offered, on retiring from the grocery business, to give his good will to John Scott, who was the intimate friend of his son Henry Utrick Reay, and is, by Mr. Twiss, called his relation; and this may be the origin of the tale we have just quoted.

Amongst the property of which old Mr. Scott died possessed was a sugar-house in Newcastle. Of this no mention has been made in his will dated the 6th of December, 1774: it may, therefore, be presumed to have been acquired subsequently to that date; nor is it improbable that it was purchased of Mr. Reay.

is seldom known to run smooth: and old Reay, ambitious of a higher alliance, objected to the marriage.

> Shall one whom nature, learning, [truth,] conspired
> To form, not to admire, but be admired,
> Sigh, while his Chloe, blind to wit and worth,
> Weds the rich dulness of some son of Earth!*

The young lady, however, following the suggestions of her father, rather than of the poets, was married the 8th of February, 1774,† to Mr. Thomas Yorke, of Halton Place, a gentleman of good estate and family. She, as well as her early admirer, lived to a very advanced age; and he, when an octogenarian peer, requested, through a common friend, permission to send her an engraving of himself which had just been published. The request was gracefully acceded to, and the engraving sent. Was not this the romance of real life!

But to return. Soon after the marriage of Miss Reay, Mr. William Scott seems, like a practical philosopher, to have sought consolation elsewhere; for he is found on the 7th of November, 1775, alluding, in a letter from Oxford, to a love affair in which he was then engaged, as a tedious and dubious one; and to the dear object of his wishes, of whom he has not the least distrust; but whose father he is afraid will not be so tractable. Yet he there expresses a hope that some

* Pope.

† The date is taken from the first edition of "Burke's Landed Gentry." The second edition of this elaborate work, more accurate as well as more comprehensive than its predecessor, has not yet reached the Yorke pedigree.

propitious event may open a path which seems to be obstructed against him. It may be presumed, however, that this fond hope was never realised; since in a letter without date, but with the post mark of the 7th of April, and internal evidence of being written in the year 1777, he says to his brother Henry: "I am sorry to inform you that my own prospects do not brighten up at all. I almost consider a certain Business as entirely over. Be so kind as to spare the mention of it to me again."

To the glance of the hasty observer, Mr. William Scott's early career at Oxford and at London appears bright indeed; but a closer investigation shows him to have borne his secret sorrows.

The mild and cautious scholar may perchance have lacked one ingredient in the composition of his character, which, if it is valued by the gentle sex, must be valued because things opposite are attractive,—I mean what is vulgarly called "devil;" and the want of this may, like the absence of a beard in Apollo,* afford a simple solution of the general ill-success of his amours. The period, which is the most susceptible is least experienced; and, though sometimes "the heart of youth is wiser than the head of age," how often does girlish inexperience mistake (till it is too late) dash for spirit, fluency for wit, and impudence for feeling!

But at length the eldest Scott followed the example of his two brothers. He married, on the 7th of April, 1781, Anna Maria, the eldest daughter and coheir of Mr. Bagnall, of Early Court, in Berkshire, the

* "Apollo, or a problem solved."—*Dean Swift's Poems.*

house of a gentleman of moderate pretension; and, though to the eyes of his, perhaps, less partial friends, the lady appeared to have more attraction in purse than person, we have no reason to doubt that the marriage proved a happy one.

While glancing at the details of Dr. Scott's private life, our attention has been of necessity diverted from the course of his youngest brother, whom we left, at the end of our last chapter, just entering upon his profession. Let us now consider the little incidents, in such cases always interesting, often instructive, which attended the commencement of his practice at the bar.

Amongst the early circumstances which conduced to his rise was, it may be presumed, the unvarying, active, and judicious interest of his brother William, who, there can be no doubt, did and said many things for him, which one man can manage for another without discredit, though, in the profession of the bar, they would, if for himself, be considered derogatory and ungentlemanlike. Indeed, through the whole varied tissue of John Scott's life, the fraternal affection of his eldest brother is seen, like a thread of gold, to run through and brighten the ruder material; while, in its progress and results it illustrates the grand practical maxim that family union is the pledge of family success.

Corroborative evidence of this unbroken attachment appears in a letter dated "April 17, 1776," in which William Scott thus addressed Henry respecting their brother John and their father: "I observe what you say about Jack's Influence over Him, and I am very happy that that Influence is possessed by a Person whose Equity and Generosity of Mind is perfectly in-

nocent. Jack sent me down the Hundred Pounds immediately, which no intreaties of mine can prevail upon him to keep."

It was mentioned in the last chapter that in the spring of 1776, Mr. John Scott had been called to the bar; and that in the same year he joined the northern circuit, though probably not till the summer assizes. Of that year Mr. Twiss has been induced to tell the following interesting anecdote.*

" 'When I was called to the Bar,' said Lord Eldon to Mrs. Forster, 'Bessy and I thought all our troubles were over: business was to pour in, and we were to be almost rich immediately. So I made a bargain with her, that during the following year all the money I should receive in the first eleven months should be mine, and whatever I should get in the twelfth month should be hers. What a stingy dog I must have been to make such a bargain! I would not have done so afterwards. But, however, so it was; *that* was our agreement, and how do you think it turned out? In the twelfth month I received half-a-guinea;† eighteen-pence went for fees, and Bessy got nine shillings; in the other eleven months I got not one shilling.' "

On reading this, we are inclined to exclaim, surely the extensive Newcastle connexion of Mr. John Scott must have been cruelly negligent, to allow him to incur

* Vol. i. ch. v. p. 100.

† This fee would be for making in court a motion of mere form, or for simply signing his name to motions or pleadings—the only cases in which professional etiquette permits a barrister to receive a fee less than a guinea.

the expenses of circuit and to visit his native town during its assizes, without the encouragement of even a single petty criminal brief, when the dropping of one word would have insured it to him! and we really feel for the smothered disappointment and vexation of the young barrister as he sits unoccupied in court, and thus as it were rejected before the face of his townsfolk.

It is a great grievance, but possibly it may not be true. Let us investigate the fact.

In the autumn of this self-same year, William Scott wrote to his brother Henry a letter,* in which occurs the following sentence: "My brother Jack seems highly pleased with his Circuit Success. I hope it is only the Beginning of Future Triumphs. All Appearances speak strongly in his Favour. If he does not succeed, I will never venture a Conjecture upon any one thing again. He is [very†] industrious, and has made great Progr[ess in] the knowledge of his Profession."

Certainly, if both stories be consistent with truth,

* The letter, which is without date, has the post mark of Oxford, 22nd of October. In it there is the following notice of his father's health. "My Father, I hope, does not not suffer by the extreme ill weather. It is unfavourable to invalids, but I flatter myself, not so much as to affect him;" and we see in the text that it mentions his brother's circuit. Now, when it is recollected that in the same year, 1776, the son joined the circuit, and the father died, we can have no doubt about that being the year in which the letter was written.

† The parts in brackets have been torn away, together with the seal, and are supplied from consideration of the spaces and context.

brother Jack must have been blessed with a disposition more contented, under the trials of life, than that for which the world has hitherto given him credit.. More than resigned, he "seemed highly pleased!"

Yet the statement, recorded by Mr. Twiss on the authority of Mrs. Forster, would probably be true if limited to his first year's *London* business; and to this the old Earl may have intended to allude: for, if he even went only to Newcastle and Durham, his circuit receipts would inevitably be absorbed by his circuit expenses; and nothing of the low fees doled out to a junior would remain for the exigences of the domestic purse.

With the encouragement of "his circuit success" it is probable that he would present himself at Newcastle, at the next assizes held there: and it may be presumed he would continue the custom, as he was then ambitious of the recordership of his native town; and, therefore, in common prudence, would avail himself of each professional opportunity, as it returned, to present himself before its inhabitants. But Mrs. Forster has reported to Mr. Twiss one of Lord Eldon's conversations in which he said to her: "I did not go the circuit one year, Mary, because I could not afford it."* Now, though this statement may be somewhat ambiguous, it must be confessed that, according to ordinary apprehension, it implies that he staid away from circuit a whole year, that is, from two circuits; yet of the fact, I am incredulous.† But, in order to

* Vol. i. ch. vi. p. 120.

† In this my want of faith I am confirmed and hardened by a

explain my reasons for being so, and to clear up some apparent contradictions in Lord Eldon's forensic course, there must here be introduced a short digression on the history of the Northern Circuit.

This circuit comprises six counties; but up to 1819 it visited only once in the year, and that in the summer, the most northern four of these counties, whose inhabitants jokingly claimed that on account of the longer interval between the correction of their crimes their higher morality should at once be admitted.* In the spring the circuit was restricted to Yorkshire and Lancashire; and, as Mr. John Scott had no family connexion in these counties to push him on, we may safely assume that the future chancellor would go several of these smaller circuits absolutely briefless.† Thus the following eloquent picture, which long afterwards in an

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lithographed list of the members of the Northern Circuit, with the years which each attended it, compiled by the late Mr. Raincock, one of its barristers.

* T' improve the world, grow rich in arts,
Learn of the active Northern parts;
While half the rotten South's in shame
For crimes the Muse abhors to name,
Mark, in the Lands prenomen'd Cumber,
Durham, Westmor, and Northumber,
Justice no more than once a year
Doth visit for a general Clear:
But t'other Two by custom bring
Her kind assistance every spring.

These lines occur in a poem called "A Northern Circuit," a poetical essay by a gentleman of the Middle Temple, 1751.

† To such Lord Eldon must allude in the passage in his anecdote book, quoted in Mr. Twiss's work, vol. i. ch. v. p. 106.

assize sermon,* in the Cathedral of York, was drawn by Mr. Sydney Smith, had then its living original. "Fifty years ago, the person at the head of his profession, the greatest lawyer now in England, perhaps in the world, stood in this church, on such an occasion as the present, as obscure, as unknown, and as much doubting of his future prospects, as the humblest individual of the profession here present."

After Mr. John Scott had been two or three years on circuit, he would make the discovery, made under the same advantages by those of much less acuteness, that a junior stands little chance of briefs, where he has not an active local connexion; and hence, having no money to spare for mere tourising, he probably staid away one spring circuit. But I do not believe he ever in those days absented himself from the assizes at Newcastle and Durham. Besides the reasons against his having done so already given, it should be added, that through the influence of his father-in-law, an alderman of Newcastle, he received, and, I believe at a very early period in his career, a general retainer for the corporation of his native town.†

* Preached 1st of August, 1824.

† I have been unable to learn with certainty the precise time at which John Scott first received this general retainer; though this inability is from no lack of the most liberal courtesy on the part of Mr. John Clayton, the present Town Clerk of Newcastle. This gentleman, who succeeded his father in the office which he fills, has, in answer to my inquiries, most obligingly informed me that previously to his father's appointment, in the year 1785, he has a difficulty in tracing any thing in the Town Clerk's accounts; but that in the year 1785

In the "Law Review," there is a notice of Mr. Twiss's work; and to say that it has been attributed to Lord Brougham, is, in the same breath, to bear witness to his ability. It selects its own series of anecdotes on which to make onslaught; and I will not intentionally encroach upon its monopoly. But its tone of treating Mrs. Forster, to whose reports of conversations reference has been made, must not be passed over without comment. Mrs. Forster, the niece of Lords Stowell and Eldon, and daughter of their brother Mr. Henry Scott, has, in consequence of her contributions to the life of her uncle, been reflected upon in language as little just as chivalrous.

"Mr. Twiss," exclaims the reviewer, "ought to have recollected how very unlikely it was that ladies, especially elderly ones, should retain an accurate recollection of matters out of their ordinary beat, and frequently much above their comprehension;" but, instead of doing so, he "assumes that whatever he is told by any of the family, as having been told by Lord Eldon to them, must be equally authentic with what he finds presented under his lordship's own hand, or communicated by Master Farrer."*

The ground of this attack upon the lady, whose age has been used to point a sneer from which it should rather have protected her, is that the facts,

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John Scott certainly held the general retainer of the Corporation; though how many years before that time he held it, would be difficult to ascertain.

* Vol. i., p. 252.

as detailed in the conversations which she reports, vary from the facts as they actually occurred. But is not the reviewer aware that, though Lord Eldon preserved his understanding, his memory was impaired by age? He might too, by inquiry, have learned that, at the time when Lord Eldon saw most of Mrs. Forster, and the only time in his life when he saw much of Mr. Farrer, his memory was thus impaired; and he is therefore singularly unhappy in selecting as the touchstone whereby to reject the reports of Mrs. Forster as unfaithful, that which, under the circumstances, is the peculiar seal of their authenticity.

The conversations contributed by Mrs. Forster are eminently dramatic, and possess that union of gentleness and vivacity, which characterised the discourse of the old earl; though, to be sure, the passage (however well preserved) that gave inaccurate narrations of events, ought to have been suppressed, as calculated to mislead the public.

The mistakes which I have lately pointed out occur in the first and second editions of Mr. Twiss's work; but in the third edition they have been briefly, though candidly, corrected in some notes which refer to those articles in the New Monthly Magazine in which the substance of these sketches was originally communicated to the public.

Let us now proceed with the narrative.

It was after Mr. John Scott's ascertained success on his first year's circuit, and his probable failure to get business in London, that he took the step of actually engaging a house in Pilgrim Street, Newcastle, with a view of there establishing himself. The plan was pro-

moted by the advice of Mr. Cuthberts, a solicitor at Newcastle, and attorney to the Scott family, from whom he received an ample promise of professional support.

This Mr. Cuthberts affords an example of the unceasing solicitude of William over the interest of John Scott; for in a letter to Henry Scott, with the post mark of the 16th of April, and internal evidence of having been written in the year 1777, the considerate eldest brother is found to say: "I think Cuthberts is rather shabby in being so importunate: However, Jack's Interest is concerned in not saying any thing affronting to Him, otherwise I should not spare Him."

But, before Mr. John Scott had actually taken possession of the residence in Newcastle, his plans were changed; and he made over the lease of his house in Pilgrim-street to his brother Henry, and hired a house* in Carey-street, Lincoln's-inn-fields, at a rental of 60*l.* a year. He selected that part of London, because it was so near Lincoln's-inn as to render it unnecessary for him to incur the additional expense of taking mere professional chambers; and thus he effected a saving of probably an annual 40*l.* What was the immediate cause of the alteration in his intentions is not now known; but towards the end of the last chapter it was mentioned that another Newcastle attorney, Mr. Heron, had strongly advised him to settle in London; and this course would receive a more substantial advocacy in the encouragement he met with, at the commencement of the second year after his call to the Bar, by being retained, before the House of Commons, in

* In the spring or summer of 1777.

an election petition: a subject on which there will presently be occasion to say more.

We are warned by Shakspeare that,

> Our doubts are traitors,
> And make us lose the good we oft might win
> By fearing to attempt.

Doubts Mr. John Scott had: but his were far from the doubts contemplated by our great dramatist; for I much question whether in his whole life he was ever prevented by his doubts from undertaking any enterprise which promised advantage. His were the doubts of the courageous but cautious general, who, even while making his advance, prepares for the hard necessity of retreat. In accordance with this disposition, when he made over the lease of his house in Pilgrim-street, Newcastle, to his brother Henry, it was with a request that he would give out that it was a mere temporary arrangement.

One letter,* amongst others to his brother Henry on this subject, is dated "Aug. 28th, 1777," and says: "You will be so kind as to second my wishes to keep Newcastle open for me in Case I am defeated here, and for that Purpose to assert that I have not relinquished but only delayed for a short Time my Plan of settling there. If any thing happens to Fawcett† I

* Where in this letter a word occurs within brackets, the space in the original letter is torn away, together with the seal.

† This person, who, in the capacity of host of a Newcastle assize dinner, is described by Mr. Twiss as "a certain lawyer Fawcett," and is alluded to in Bubb Dodington's diary under the appellation of "Fosset," had been, at one time, much in the mouths of men.

shall [count] upon you for the earliest Intelligence, and upon your Friendship for every endeavour to ani-

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Mr. Christopher Fawcett, the individual of whom we are speaking, had been, in his youth, in the habit of frequenting the house of Mr. Vernon, a rich London linendraper of Jacobite politics; and there he used to meet these young gentlemen, James Johnson, Andrew Stone, and the Honourable William Murray, all of whom rose to distinction in after life. Fawcett himself subsided into a provincial barrister; and in 1746 was elected recorder of Newcastle, with the neighbourhood of which town he was connected by family. At the commencement of 1753, Fawcett was dining at the house of Dr. Cowper, the Dean of Durham, in company with Lord Ravensworth, when, being informed that Johnson, who had become Bishop of Gloucester, was appointed preceptor to the Prince of Wales, he expressed his satisfaction that his old acquaintance had prospered so greatly under the reigning dynasty, and added, that he recollected the time when they both attended Vernon's parties, where the health was drunk of the Chevalier, and his secretary of state, Dunbar. Lord Ravensworth, with some officiousness, took up this matter, though it was alleged to have occurred about twenty years before. And Fawcett being afterwards pressed upon the subject, seems to have inadvertently let slip out, that, whether Johnson was present or not on the particular occasions when this toast was given, at any rate Stone and Murray were there, and used to drink it on their knees. Stone was then secretary to the Duke of Newcastle, the premier, and was also sub-governor to the Prince of Wales, and Murray was then solicitor-general. So here were nuts for the opposition to crack—a ministerial bishop, secretary, and solicitor-general! And it compelled the reluctant government to take some notice of it. The matter was referred to the Privy Council, and by it Fawcett was examined: when, after, having communicated in private with the parties implicated, he hesitated, prevaricated, and retracted; and the accusation was declared unfounded, though it was never forgotten.

"The liberal spirit of youth prevailed over your native discretion. Your zeal in the cause of an unhappy prince was expressed with the sincerity of wine, and some of the solemnities of religion," were the

mate my Well-wishers to exert themselves in my behalf."

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words in which Junius revived the charge against Murray, when Baron Mansfield and Lord Chief-Justice of England.

This accusation against Murray has been treated as groundless by modern historians and biographers (Adolphus' Geo. III., vol. I. chap. I., and the able "Life of Lord Mansfield," by the late Mr. Edmond Plunkett Burke, a judge at St. Lucia, published in the *Law Magazine*, and that by Mr. Roscoe, in his "Lives of the Lawyers"); yet I have no doubt that it was substantially true. In youth men are, for the most part, drawn by the prejudices of relationship, or education, to the side which they take in politics: and the family of Lord Stormont, and the University of Oxford, where his son William Murray was educated, were both, in those days, Jacobite. James, an elder brother of William Murray, following the fortunes of the exiled son of James II., was created by him (titular) Earl of Dunbar, and governor to his son, the young Chevalier. And a tradition has reached me from a family then attached to the Stuart interest, that one of their members interchanged with William Murray himself, before his connexion with the ministry, assurances of devotion to the Jacobite cause. With the advances of age it may well be presumed the fine intellect of Murray would imbibe more constitutional principles.

But to return to Fawcett. He bowed before the storm which his imprudence had raised, and his good-nature had averted from the heads of others. Himself pronounced a false witness, he ought not to sit as a judge. He vacated, therefore, the recordership of Newcastle; and the corporation of that town substituted, as his *locum tenens*, one of their own body, Mr. Collingwood, who had himself resigned it many years before. Collingwood held it from July, 1753, to December, 1769; when he again resigned, and Fawcett was again appointed. From this time, according to Mackenzie's history of Newcastle, the situation was, without interruption, retained by Fawcett till 1794; the *Gentleman's Magazine* of which year has the following entry in its list of promotions; "Robert Hopper Williamson, Esq., elected Recorder of Newcastle-upon-Tyne, *vice*

On the subject of the house at Newcastle, Mr. John Scott addressed to the same brother a letter, which is without date or remaining post mark, and commences as follows:—

"DEAR HARRY,

"I thought we had understood each other too well to make it possible for you to receive any disturbance upon the Subject of the House: I wished only to have it held out to the world and among the rest to Cuthberts himself that I might have the house again at a short warning by way of impressing them and him with so strong an idea of an

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Fawcett resigned." In the following year Mr. Fawcett died at the age of eighty-two.

It would appear, however, from the work of Mr. Twiss, vol. i. ch. vi. p. 120, that soon after March, 1780, the recordership of Newcastle was offered to Mr. John Scott, and that "he signified his acceptance of the office, and caused a residence to be engaged for him at Newcastle;" but that his improving prospects in London led him afterwards to abandon it.

Of this story I am incredulous. The present Town Clerk of Newcastle has assured me that John Scott was never its Recorder. Under the old charter of the town, the recordership was in form an annual office filled by election, to outward appearance popular; and it is probable that some influential members of the corporation may have asked Scott early in his legal career to become a candidate for the post; nor is it unlikely even that Fawcett, who was growing old, may, on some occasion, have offered to resign in favour of their young *protégé*. But I can find no ground for presuming that John Scott "caused a residence to be engaged for him at Newcastle" subsequently to that which he transferred to his brother in 1777, when it is clear from his letters that the recordership was to him not an object of possession but of distant hope.

Intention in me hereafter to settle at N. C. as effectually to prevent any other Person from taking that Step in the mean time—If I should hereafter come there, I shall take my Chance of getting a House, tho' for the above reason you will Oblige me by *appearing* not to be inclined to make any difficulty about suiting each other's Convenience, assuring yourself that as I shall not insert any Covt. in the Lease or Assignment by which you may be compellable to give the House up; so neither shall I offer any Consideration to you by way of inducing you to do it. Previous to my receiving Cuthberts' Letter to-day I had wrote to him proposing a difft. Method of transferring my Interest, and telling him that I had determined to part with the whole of it, contrary to his advice, and to run the risque of getting another when I wanted it. If he interprets this into an Intention of giving N. C. up absolutely, you may give Him the most positive assurances to the contrary, *telling* him and other People (for it is but a white Lye) that, as I have taken this Step to suit your convenience, we shall easily settle any difficulty that may arise. If I get yr. Recordership I'll lay the World to a farthing I get a House."—The letter then, adverting to another subject, curiously illustrates how slow and cautious was John Scott, even in those days, in committing himself to a legal opinion. It thus proceeds :—"As to the point of Law I am not so very clear about it, and therefore wish to have some little Time to think about it.—If it be true that the House *was let at an undervalue* on acct. of Mr. Airey's engaging to erect additional Buildings, the Landlord has given a Consideration for these buildings and it is

therefore but Equity that at the Expiration of the Term they should be left standing. The Question will principally turn upon the fact whether Mr. Airey's Engagement was to erect buildings of any particular Nature, and if it was such I should have some doubt. However, I will write to you again when I have farther considered it.

"I hope the good Folks in bed are tolerably well: with my Wife's Love to them and you, I remain, in haste,

"Yrs

"J. SCOTT."

Mr. William Scott considered that his brother Henry was imprudent in undertaking the expenses of so large a house as that in Pilgrim-street, and on the 7th of September, 1777, wrote to him to that effect from Oxford. The advice contained in that eloquent letter is so sound, and the tribute rendered to the worth of their common father is so high, that injustice would be committed towards two generations were it to be suppressed.

"I lament," says the ever kind brother, "that the necessity of your Affairs has forced you into the House which you at present occupy. Do me the Justice to believe that I never take the Liberty of offering my Opinion upon any part of your Conduct from the mere Desire of dictating to you, or from any Motive but of sincere Affection. I heartily wish you Success in life, and therefore am concerned at any Event that appears likely to obstruct it. Your house is large, and therefore likely to attract Company, both of the visit-

ing kind and those who will make some stay with you. Excuse me if I observe to you that you will do well to be upon your guard against the Effect of this Circumstance, and to oppose the Consideration of a Growing Family, and the necessity of increasing your Fortune, to the indulgence of present Hospitality and Elegance. Remember that we all of us owe our present establishment in Life to a Conduct founded upon Industry and Frugality—upon unremitting Attention to Business, and Seclusion from Company. We inherit from our deceased Father not only a provision, but what is more, an Example."

Already it has been mentioned here that Mr. John Scott, in the second year after his call to the bar, was retained in a parliamentary election petition; but, as Mr. Twiss, in the first two editions of his work, has not made even the slightest allusion to this retainer, the reader is requested to forgive a digression as long as may be necessary in order to supply the circumstances through which it was obtained.*

The family of Scott of Newcastle may be considered as owing their rise from a humble condition more to the patronage of the great Durham house of Bowes of Gibside than to any other source, always excepting the blessing of Providence upon their own honourable industry.

The Bowes estates comprehended extensive "coal

* In a note, however, at the end of the first volume of the *third* edition of his biography of the Chancellor, Mr. Twiss has called attention to the statement which I made in the New Monthly Magazine that John Scott had received this parliamentary retainer, though he is far from confirming my statement.

fields" near the Tyne, and, whilst these were in process of excavation, old Mr. Scott was employed to "fit"* their produce; but in 1761, Eleanor Mary Bowes,† the heiress of Gibside, became Countess of Strathmore by her marriage with John Lyon, the ninth earl that had borne that title. Upon these foundations it has been unhesitatingly asserted, in one of the lives of Lord Eldon, preceding that by Mr. Twiss, that "the father was originally in the situation of a domestic in the family of the Earl of Strathmore." Thus we find the sacred stream of truth scarcely less polluted by the malignity than by the complacency of biographers!

The Earl of Strathmore died in the early part of 1776; and the countess, after a ten months' widowhood, married Andrew Robinson Stoney.

The Long Wellesley of a lower tone and station, Mr. Stoney was a native of Ireland, where, in the county of Tipperary, his family were creditably established; and he is believed to have, in 1763, at the age of twenty-eight, come to Newcastle with the 30th regi-

* A technical term, it will be recollected, for transporting coal up and down the Tyne in barges, and negociating its sale. Whether, or not, the fitter is answerable to his principals for the performance of the engagements which he has negociated, depends upon the conditions under which he is employed, and, of course, influences the terms of his remuneration. I am not aware upon what conditions Mr. Scott gave his services to the Bowes' family.

† She was the representative of the second marriage of her ancestor Sir George Bowes, "the sureste Pyllore the Queèn's Majestie had in thes [the Northern] Partes" at the time of the Rising of the North. See p. 394 of Sharpe's Memorials of the Rebellion of 1569 —a valuable contribution to authentic history prepared from exclusive sources of information.

ment, in which he held the rank of a lieutenant. Showy without learning, cunning without prudence, and ambitious without perseverance, he brought with him a pleasing address and person, and the eloquence, wit, and assurance which are said to be indigenous to the country of his birth. Miss Newton, a lady of fortune in the county of Durham, was the first victim of his unfeeling, unprincipled conduct. She was married to him in 1763, but her disappointments and sufferings were not of prolonged endurance—an early grave closed over a broken heart.

After this, he contrived, by means which shall be in part recounted, to cast his net round Lady Strathmore, and draw her into a marriage. He thus succeeded to the control over the broad lands, and the influence over the wide-spread dependents of the time-honoured Chiefs of Gibside; and the three young Scotts would fix their hopes, with something like the transmitted claim of family retainership, upon the favour and the patronage of the husband of Lady Strathmore.

Mr. Stoney, whom I shall now call generally by the surname of Bowes, which he assumed in right of his wife, resided much, for some time after his marriage, in Lady Strathmore's house in Grosvenor-square. He, at that period, became the associate of the Duke of Norfolk, and some other men of rank and dissipation; and their orgies were enlivened by his humour and diversified by the practical jokes which he appears to have considered himself privileged to play off. A great, and, according to Mr. William Scott's account, almost fraternal intimacy now sprang up between Bowes and himself; and (strange contrast of friendships!) it may

be presumed that Scott was introduced about the same time by Bowes into the gay, and by Johnson into the learned, society of London. Yet, since our great moralist himself did not, even in more advanced life, escape the seductive fascination of the graceful, intellectual, profligate Beauclerk,* we ought not to be surprised that the *éclat*, dash, and successful libertinism of Bowes, when united to an hereditary veneration for the name, should be irresistibly attractive to one like Scott, whose genuine wit, now transported to the metropolitan arena, was struggling to disentangle itself from the prim restraints and formalities of the Oxford don.

Mr. William Scott, of course, had heard many things to the disadvantage of Bowes: but, though he probably believed them only very partially, he was placed so much upon his guard, that, in spite of their constant companionship, he withheld all undue confidence. It is certain, indeed, from all that is known of his character, that neither pleasures, nor prospects of advantage to himself, or (what he valued at least equally) to his brothers, could have brought that great, kind, and good man to knowingly countenance so thorough-paced a villain as Bowes afterwards proved.

He says, in a letter to his brother Henry, without date, but with a post mark on it of the 20th of March, and with internal evidence of having been written in the year 1778, "I told you that I would speak to Bowes if it would answer any good Purpose. He is

* Boswell's "Life of Johnson."

gone into the country, and seemed Dubious about his return. *Between Friends*, I wish there may not be some very bad Affair brewing; He exercised whilst he was in town every morning with shooting Pistols at a Mark. I expect almost certainly to hear of a Duel that will be serious; the former, I suspect, was not so."

The duel, which Mr. William Scott rightly suspected was not a serious one, was the crowning fraud by which the marriage with the countess was attained.

But, as we have already been introduced to Bowes, let us now take a glance at his victim.

Aged at this time about thirty, Lady Strathmore had a graceful figure, somewhat inclining to *embonpoint*, and her general appearance was prepossessing. Of botany her knowledge was most extensive, and her garden is said to have been a very paradise. For poetry she had cultivated a taste naturally delicate; and had acquired many languages: but the language of books was the only one, to which she had ever been accustomed, that did not speak the words of flattery. Her intellect had been educated, but not her character. And a prosperity, unregulated by the restraints of religion, portended an adversity which should be unsupported by its consolations.

Just before her marriage with Stoney some virulent attacks had been made on the countess in the *Morning Post* newspaper; and it has since been presumed that Stoney was the concealed writer of them. On their appearance, however, he, according to a preconcerted arrangement, called out Bate, the editor, for attacking

the immaculate virtue of the lady* to whom he was devoted: and then pretended to be wounded in the conflict; having probably given himself a scratch or two, in order to act his part the better.

On this occasion Lady Strathmore is said to have evinced, by the composition of the following lines, that the Muses had not been ungrateful for the cultivation which she had bestowed upon them. Alas! that their aid should have been invoked in such a cause!

> Unmoved Maria saw the splendid suit
> Of rival captives sighing at her feet,
> Till, in her cause, his sword young Stoney drew,
> And to revenge the gallant wooer flew:
> Bravest amongst the brave! and first to prove,
> By death or conquest, who best knew to love!
> But pale and faint the wounded lover lies,
> While more than pity fills Maria's eyes.
> In her soft breast, where passion long had strove,
> Resistless sorrow fix'd the reign of love.
> "Dear youth," she cries, "we meet no more to part,
> Then take thy honours due—my bleeding heart!"

The duel scene was successfully performed on the 13th of January, 1777: and, on the 17th of that month, Lady Strathmore was married, at St. James's Church, Westminster, to her "gallant wooer!" None but the brave deserve the fair!

* Jesse Foot, a surgeon, who wrote "the lives of Andrew Robinson Bowes, Esq., and the Countess of Strathmore," denies that the wounds were merely pretended ones; the preponderance, however, of evidence, contradicts his assertion, whether we regard the presumption arising from Mr. Bowes's inveterate habit of shamming sickness in order to attain his objects, or confine ourselves to proofs of a more positive nature.

Before the expiration of the honeymoon, a vacancy was made in the representation of Newcastle by the death of Sir Walter Blackett, and Bowes determined to start as a candidate to fill it. Sir John Trevelyan, the nephew of the deceased member, was his competitor.

On the day of nomination, Bowes had not yet arrived: but allowances are made for the duties of a bridegroom; and William Scott appeared, as his friend, on the hustings, and made a speech for him in his stead.*

At this contest, John Scott also, then a young inexperienced barrister, was retained by Bowes as one of his counsel† during the election, and used to speak for him in public. As a mob orator, his townsmen considered him to have failed; he proceeded with hesitation; stopped frequently, and with a nervous action raised his hand to his mouth, as though to pull out the reluctant words. I have heard that he, nevertheless, received from Bowes a fee of two hundred guineas for his exertions. Eleven years afterward, John Scott was called, as a witness for Bowes, in the Court of Common Pleas, to prove that, at the time of this contested election, he and Lady Strathmore had appeared to be living on cordial terms.‡

* Local newspapers.

† By a published poll-book of this election, it appears that the sheriff of Newcastle, who was returning officer, retained as his counsel, Mr. Fawcett, the recorder, and that the counsel for Sir John Trevelyan were Messrs. Wanley and Ridley, while those for Mr. Bowes were Messrs. Hopper, Ambler, Wilson, and Scott.

‡ Bowes and Lady Strathmore were, after their marriage, seldom free from litigation. Mr. Grey, whom she had jilted, commenced an

From a printed poll-book, it appears that in this election, William, Henry, and John Scott, as freeman of the Hoastman's Company, recorded their votes for Bowes. Henry Scott, as is proved by family corres-

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action for breach of promise, which he received 12,000*l.* to compromise. Grey had consented to allow Lady Strathmore's property to be conveyed to trustees for her own separate use, and the requisite deeds were executed on the 9th and 10th of January, 1777; but in the following week she married Bowes (then called Stoney), who had received no notice of these deeds. Soon afterwards, however, Lady Strathmore signed a revocation of them. But, at a later period, she applied to the Court of Chancery to establish the settlement made in her favour before marriage, and to cancel the deed of revocation; while Bowes filed a cross bill praying that the original settlement might be cancelled, on the ground that he, before marriage, had received no notice of it, and that it was, therefore, a fraud on him. In 1788 the Court of Chancery took these matters into consideration, and directed an issue to the Court of Common Pleas to try the fact whether Bowes had extorted this revocation by violence; and the jury found by their verdict that he had. This was the trial in which John Scott gave evidence. (See a report of this trial in the library of the British Museum.) The Court of Chancery then again considered the matter of the original settlement; and in 1789, Lord Chancellor Thurlow finally gave a judgment establishing its validity. This decision was grounded on the fact that the settlement had not been made with the intent to defraud Bowes, for, at the time of making it, a marriage with him was not contemplated; but the Chancellor added that "it was impossible for a man, marrying in the manner he did, to come into a Court of Equity and talk of fraud." (2 Brown's Chancery Cases, p. 345; 1 Vesey, jun. 28.) At the time now alluded to, Lady Strathmore was living apart from Bowes, and had instituted proceedings against him for a divorce on account of cruelty and adultery. On the latter accusation he recriminated (see the depositions on both sides in the library of the British Museum); but he adopted more vigorous measures to frus-

pondence, acted for Bowes as an agent during the election.

The polling was concluded by the 14th of March, when the numbers were declared to be—for Trevelyan, 1163; for Bowes, 1068. The former was elected; but the latter, on the 27th of the same month, presented to the House of Commons a petition against the return, which was followed by another to the same effect from his supporters.

These petitions were sustained by a formidable array

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trate her efforts. Lady Strathmore had got a constable, of the name of Lucas, assigned to her, whose business it was to guard her person, lest Bowes should molest her. Him Bowes inveigled over to his side; and one day when she was in a shop in Oxford-street, whither she had come under the escort and protection of her solicitor's brother, Captain Henry Farrer of the merchant service, who seems to have woefully over-rated his own resolution, Lucas himself arrested her under a pretended warrant, and carried her off to Highgate, saying that she was to be taken before Lord Chief Justice Mansfield, at his house of Caenwood, in that neighbourhood. Hitherto Farrer had been allowed to accompany her; but at Highgate, Bowes met the party, and dismissed Farrer with threats that he would knock him down. He thence conveyed Lady Strathmore to the County of Durham, where he treated her barbarously, under the vain hope of thus compelling her to sign a paper to stop the proceedings in the Ecclesiastical Court. But she was soon rescued from his hands by a writ of *habeas corpus*. She then exhibited Articles of the Peace against her husband; and he was in consequence ordered by the Court of King's Bench, to find sureties, to a large amount, for his future conduct. Criminal proceedings were also instituted against him and his confederates for their enterprise. They were tried before Mr. Justice Buller on the 27th May, 1787, and were all found guilty. Bowes was sentenced to be imprisoned in the King's Bench prison for three years. (See a little tract in the library of the

of counsel. Bowes retained * Dunning, Sergeant Glyn, Wilson, and John Lee; and to their number he did not forget to add the then unknown John Scott; nor did John Scott omit to turn this early opportunity to credit and advantage.†

In the following letter to his brother Henry, Mr. John Scott refers to the important share which he had been entrusted to take in the management of this, his first parliamentary cause.

"Dear Harry

I write a few Lines by way of gratifying yr. Curiosity. I summed up in a long Speech the Evidence on ye. Part of the Petition this Morning: and the Taken‡ of

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British Museum containing a report of this trial, and a "History of Stoney Bowes," published in Newcastle, and 1 Durnford and East's reports, p. 696; and "The Lives of Andrew Robinson Bowes, Esq. and the Countess of Strathmore, by Jesse Foot, Esq. surgeon.") Lady Strathmore eventually succeeded in obtaining a divorce. Bowes appealed from the Court of Arches to that of Delegates, but the divorce was confirmed.

* Newcastle journal of that period, from which the names of the counsel are taken. Mr. John Scott is there called "Mr. Scott of Oxford."

† This would probably be the first circumstance which brought Scott and Lee closely in contact, and laid the foundation of that intimacy, on which, according to Mr. Twiss's volumes, Lord Eldon in age delighted to dwell; and which, as Lee was a leader on the Northern circuit, must have been of service to Lord Eldon when young.

‡ This letter throughout bears marks of the greatest haste. Probably the word intended to have been written was "Taking." There have been torn away from the original letter parts corresponding to those inclosed here within brackets and supplied from conjecture.

Examination upon Oath has produced a much better [case] than we had Reason to expect, so far from th[at w]hich they represented it to be that the Committee have required them to answer it. They certainly mean to recriminate, for they have been in this Cross Ex^{n}. endeavouring to prove who were Mr. Bowes's Agents & w^{r}. among others you were not. Weir in particular was examined strictly wr. you had not offered him money—he denied it—but ackd. that you offered to make him a Comr.* and that you wd. be kind in assisting him. I hope you have not been so zealous as to overleap the Bounds of Law and Prudence, for I take it for granted that they will spare nobody, our Case has irritated and surprised them so much: I think upon the whole it will not be a void Election, but will contribute to establish Bowes's Importance very much.

With my Love to yr. wife and Child and Mrs. Scott's I remain, in Haste,

"Yrs affly.

"J. SCOTT."

"Tuesday, Cursitor Street,
"London April 29. 1777."

William Scott, in a letter dated "London, May 16, 1777," says, "I am very happy to find that my Brother John acquitted Himself so much to the satisfaction of his Friends in the Matter of the Petition. That affair is well ended for us all, all Circumstances considered.

* This word is not very legible in the original. It, perhaps, is an abbreviation of the word "Commissioner."

Since I came to Town, I have been very much with Bowes, and like Him exceedingly."

On the 2nd of May, 1777, a fortnight previous to the date of the letter just mentioned, the select committee terminated their labours by deciding against the petitions, and reporting that the sitting member was duly elected; and the following letter, with a post-mark of that very day, addressed by Mr. John Scott to his brother Henry, gives a short account of the petitions and their fate.

"DEAR HARRY,

"The Evidence on the part of Sir J. T. was closed on Wednesday early. It consisted in Defence merely —not an Attempt to prove any one Act of Bribery on Bowes or any of his People. The Committee then cleared the Room to take the sense of the Majority— but after debating two Hours, they were so much divided they could not come to a Determination. They met according to Adjournment again yesterday, but again broke up without a Decision. This Morning they met a third Time, and I am just informed the Majority is against us. Thus this vexatious and frivolous Petition has proved respectable, tho' not successful.

"Your's,

"J. SCOTT."

"Friday noon, 3 o'clock.

I am happy in having been able to fill up this chasm in Mr. Twiss's volumes. As, in the first and second editions of these, all notice of the name of Bowes has been omitted, although its bearer afforded the avenue

through which Mr. John Scott was first introduced into important business, and, though the statement which I published in the New Monthly Magazine* has been referred to by Mr. Twiss in a note to his third edition, as that reference tends rather to discredit than to confirm it, I have been absolutely compelled to authenticate by details the information which I have conveyed. I am bound to add, that for this omission I do not blame Mr. Twiss, as the matter would not come come within the scope of his unassisted observation.

A couple of years later, namely, in the spring of 1779, John Scott is found to be much depressed. There were no election petitions, no retainers in the House of Lords, no briefs marked with high fees, and few enough of any sort. He complained, I have heard (and it would probably be at this time), just in the tone of a young briefless barrister of our own day, that the bar was so overstocked! Perhaps he had thought, as any inexperienced beginner might have done, that he had already made a safe start; though probably every brief he had as yet received could have been traced to the influence of his family or connexions or friends: and he would naturally overlook the humiliating fact that it was neither his industry nor ability which had procured him his early business; but that the same interest would have got the same briefs for any empty-headed wig in Westminster Hall.

Under these feelings of disappointment, it is very probable that he may have abstained, that year, from throwing away money in going the spring circuit, which

* The Number for Aug. 1845.

comprised only the counties, as yet to him barren, of Yorkshire and Lancashire.

In the March of 1780, was decided, in the favour of his client, the appeal in the case of Ackroyd against Smithson, which he had urgently recommended; and, from that time, the favourable consideration of Lord Chancellor Thurlow (by whom it was heard) was fixed upon him.

In the same year there was a dissolution of parliament; and Sir Matthew White Ridley, and Mr. John Scott's client in his former petition, Andrew Robinson Bowes, were elected to represent Newcastle-upon-Tyne in the new House of Commons. The unsuccessful candidate, Mr. Delaval, petitioned, but without effect, against Bowes, who retained John Scott,* as well as John Lee, to defend his seat. This, too, in the volumes of Mr. Twiss has been omitted!

Now let us proceed to his next election petition. The parties interested in setting aside the Clitheroe election, were dismayed in the March of 1781, by discovering, just before their petition was to be heard in committee, that their leading counsel could not, on account of illness, open it, and that their junior counsel would not attempt to take his place. Possibly the junior had not read his brief: possibly he had never before been retained in parliamentary proceedings;† and, if so, he could not have ventured, unassisted, upon a matter, with the formal parts, at any rate, of which

* Letters of John Scott to his brother Henry.

† The former was the only reason suggested by Lord Eldon, according to a conversation, as reported by the present Mr. Farrer to Mr. Twiss. (See vol. i. ch. vi. p. 123.)

he must have been unacquainted. But Mr. Scott was already known to have been in two election petitions —one for the petitioner, the other for the sitting member—so with the routine he must have been perfectly familiar; in whatever legal proceedings he had been retained, he seems to have acquitted himself with credit; and he was sufficient of a novice to jump at an opportunity of distinction To him, then, in this emergency, the brief was offered, and by him accepted, at six o'clock in the very morning* on which the petition was to be heard in committee. A fifty guinea retainer, and a daily shower of fees as long as a parliamentary committee sits, are great things for a junior. But these were not the best parts of it. Though his client was beaten in committee by one vote, he himself had been trusted with the lead in an important case, nor had discredited the confidence reposed in his ability; and the circumstances under which he was retained were peculiar, and such as would gain him *éclat.*

From this time his rise in the profession was rapid; and the silk gown with which within two years he was invested, was but the precursor to the dignities and emoluments of the solicitor and attorney-generalship.

* See "Twiss's Eldon," vol. i. ch. vi. p. 121. And I must here observe that any person reading the passage would assume that this was Lord Eldon's first parliamentary business, although it is not directly asserted.

CHAPTER III.

In this chapter it is contemplated to sketch the lives of the two brothers, from their early successes, achieved in their respective courts, to the period when each obtained high judicial honours.

The ascent, by which the judgment seat is approached, is long and toilsome. Neither genius nor ambition can leap it; they must here condescend to climb. But the unremitting exertions and regular advance of prosperous lawyers would be intolerably wearisome to read in detail. Although, then, the interval which we now propose to fill is long, and its occurrences are important, the space within which they shall here be compressed is limited and brief. And should the reader of the following pages observe, that some even of the leading events connected with the subjects of this sketch are merely touched upon, while others are altogether omitted, I must beg to remind him that I have disclaimed all ambitious pretensions to the dignity of regular biography; and from the commencement* have professed

* See Preface.

that my chief object was to correct some of the errors, and to supply some of the omissions, which seemed likely, but for my intervention, to impair the interest, or what should be of more consequence, the value, of a far more important undertaking than my own. The object proposed was to correct the work of another, not to supersede it; let not, then, the performances be tested by a higher standard than that afforded by the promises which were made.

It has already been stated, that in the spring of 1780, William Scott, the eldest brother of the family, was admitted into the faculty of advocates. He was then in the thirty-fifth year of his age.

The entrance to the profession, which he now embraced, is, as far as relates to the ecclesiastical courts, effected through the fiat of the Archbishop of Canterbury. To this is always annexed a condition, that the aspirant shall not exert his privilege of speaking in court till a year has elapsed from the time at which it was conferred—an interval which is commonly called his year of silence, and expected to be employed by him in attendance on court, in order that he may learn to conduct business himself, by observing how it is conducted by others. When he has become entitled to practise at the ecclesiastical bar of Doctors' Commons, he is, according to prescriptive custom, allowed, without any formal admission, to practise also in the High Court of Admiralty.

In the spring of 1781, his noviciate expired; and, as we may recollect from the previous chapter, in the same spring he married. And henceforward would be com-

bined new opportunities for distinction, with fresh incentives to exertion.

The ecclesiastical courts follow, for the most part, the rules and customs of the Roman civil law. Hence sprung their rejection of a jury, and hence their reception of evidence through written depositions, instead of statements by word of mouth. The High Court of Admiralty* is formed on the same venerable, but exotic, model. Both species of courts are consequently held within the walls of Doctors' Commons; and are frequented by the same practitioners, having proctors and doctors for their attorneys and bar.

The practitioners, then, in this amphibious calling, "one foot on land and one on sea," are now engaged in wills, marriages, and divorces, in church-rates, in the correction of the lives or doctrines of the clergy, or in other matters over which the church had, from an early period, been allowed a jurisdiction; and are now immersed in condemning and apportioning prize-vessels, in the adjudication of salvage, or of seamen's wages, and in other questions of a civil nature which have arisen at, or are connected with, the sea.

Never did advocate enter this profession with greater advantages than Dr. Scott. Intimately acquainted with the language in which the civil law was originally written, and wonderfully conversant with the history of the ages in which it grew, he must have derived from his long

* Since Lord Stowell's time considerable alterations have been made in the practice of this court by statute 3 and 4 Victoria, ch. 65 and 66.

residence at Oxford, from the daily table-talk of its halls and common rooms, an insight into the questions involving the rights and interests, the difficulties and dangers, of the Church of England in his own day, equal to that, which his studies, as professor of Ancient History, would supply him with respecting the Church Catholic of primitive times.

In the shipping affairs of his profession, he must, at the commencement, have possessed such a practical knowledge as was probably never before attained by an advocate in the courts which he frequented. He had been born and bred in a sea-port town: his father had been actively engaged in its shipping interests: and, after his father's death, considering it unadvisable to wind up these concerns immediately, he, for a short period, himself carried them on;* principally, it would seem, through the agency of his brother Henry.

A privateering speculation, in which the brother just mentioned had an interest, early directed Dr. Scott's attention to the laws that regulated such adventurous enterprizes.

"Privateering," says Dr. Franklin, "is the universal bent of the English nation, at home and abroad, wherever settled;" and then, alluding to the war of American independence, he adds: "No less than seven hun-

* In a letter without date, but, from internal evidence, written in the year 1778, and having on it the post-mark of the 29th of November, William Scott says to his brother Henry: "I look for some Profit this year from the ships, some bottomry will likewise be due——I intended finally settling with yourself as soon as the Profits of my ships came in this year. However, from the Misfortunes which have happened it will now be extremely inconvenient."

dred privateers were, it is said, commissioned in the last war! These were fitted out by merchants to prey upon other merchants who had never done them any injury."—And, in candour, it must be acknowledged that the Pagan blood of our sea-king ancestors did, at that time, somewhat predominate in the veins of our nation.

During the latter part of the war, when we were embroiled, not only with the Americans, but also with the French, Spaniards, and Dutch, Mr. Henry Scott consulted his brother William as to the prudence of joining some other persons in fitting out a privateering vessel. The advice which he appears to have received, was not whether he should, or should not, enter at all into the speculation, but against what dangers, in the event of his so doing, he should be on his guard. He was cautioned against the indiscreet impartiality of the masters of some of these vessels, who take everything that comes in their way—enemies, friends, or neutrals, alike; and he was warned that they who meddle with—Danes, Swedes, Prussians, or Russians, would burn their fingers. In the end, Henry Scott became a partner in this speculation, and it was not unproductive; for, in 1781, their crew, violating a neutral flag, boarded and plundered a ship of Denmark.

A complaint was lodged with the British authorities; and the privateer, which may be presumed to have put into a Scottish port, was seized by the commissioners of the Admiralty in Scotland. Overwhelmed by the anticipation of a loss to a large but indefinite amount, liable for the restitution of what could be restored, and for damages for what could not, as well as to the forfeiture of the aggressive vessel, Mr. Henry Scott wrote

to his brother William to ask his advice on the course which should be pursued under the threatening aspect of the case. He narrated that the master whom they had employed, had, contrary to their instructions, boarded a neutral ship, and, amongst other acts of spoliation, had deprived her of sails.

This statement created in Dr. Scott's mind a vivid and painful apprehension that, as the hulk, dismantled and left in the midst of the sea, was likely to founder, his brother would be put to a ruinous expense for his share of the compensation. The affair, however, turned out less serious than was expected. Part of the cargo of the Dane consisted of sails; and it was these which had been taken away. She probably, therefore, pursued her voyage, somewhat lighter indeed, but not the less sea-worthy, to the port of her destination. The privateer was eventually restored to its owners; but they would of course have to make compensation for all losses caused by the misconduct of their agents. The master, however, and the crew under him, were committed to take their trial.

Such, then, was the previous mental training which had fitted this distinguished civilian for the brilliant career on which he was entering. Yet in one respect his education had been deficient—there had been little or no preparation for public speaking. The debating societies, such as are now frequented with advantage by the students at our universities, had not then sprung into existence at Oxford; and the lecture-room of the tutor or professor, where no one is privileged to deny his positions, or dispute his arguments, to smile at his reflections, or look grave at his jokes, is but a sorry school for

the extemporaneous oratory of the bar or the senate. It is true, indeed, that Dr. Scott had once appeared on the hustings of his native town, and made a speech for Mr. Bowes, but I am not aware that on any other occasion he had attempted to speak in public.

From a diffidence, then, in his command of his own powers, or a fastidiousness in polishing his periods, he, on making his debut in the little Court at Doctors' Commons, adopted the plan of writing out his speeches, and reading them from a paper before him. Those professionally opposed to him objected to this innovation in their courts; but he persisted for some months as he had begun, till he had acquired greater confidence or more of accuracy and elegance.

The Bar at Doctors' Commons (I ask pardon for having used an expression not strictly accurate) is now small in number when compared with that of any circuit, yet is large in comparison of its condition when Dr. Scott joined it. He had, before adopting it, been assured that a man of talent would readily obtain considerable emolument.* That the result justified the prediction Dr. Scott himself testifies in a letter without date or post-mark, written probably in the spring of 1782; for he says:—"I believe our Rulers would be very glad of a Peace; but it is not to be had without a general Peace, which I sincerely wish for, tho' my own Interest will suffer considerably by it. I am exceedingly oppressed with Business, and shall remain so for these three weeks, and then hope to have

* Sketches of the Lives and Characters of eminent English Civilians.

something of a Vacation." John Scott, in a letter, dated the 9th of January, 1783, gives equally conclusive evidence of his brother's success. "The Doctor," he here observes, "has got a Daughter; he is also very happy in a sinecure place which the Archbishop of Canterbury has given him, and which is considerably above four hundred a year for Life. His Success is wonderful, and he has been fortunate beyond Example." And then, adverting to himself, the future Chancellor despondingly adds: "As to your humble servant, I have the younger Brother's portion, a Life of Drudgery; Our part of the profession has no places for young men, and it will wear me out before I cease to be such."

The sinecure place, in the acquisition of which Dr. Scott was so happy, would, it is presumed, be the registrarship of the Court of Faculties: for it is in the patronage of the archbishop, and Mr. Townsend informs us* that, in the year 1783, it was thus bestowed. The daughter, to whose birth allusion has been made, was Dr. Scott's eldest child.

And here may, perhaps, be conveniently introduced, a short notice of the family of which Dr. Scott was the father.

The eldest child was followed by three other children, of whom a son and daughter died in infancy, and

* Law Magazine, No. XXXIII., p. 42. I am happy to see that, whilst my own sketches are passing through the press for separate publication, the interesting series of biographies, by Mr. Townsend, comprising those of Lords Stowell and Eldon, are advertised for publication in a collected form under the title of "Lives of Twelve Eminent Judges."

another son, unmarried, attained middle life. Of remoter descendants this great civilian had none. Mary Anne, the eldest child, who alone survived her father, and that for only a short period, was twice married. Her first husband was Colonel Thomas Townsend, a gentleman of Warwickshire; and, after his death, she became the second wife of Viscount Sidmouth.

For a considerable portion of Dr. Scott's life, he and his family resided at No. 5, College-square, Doctors' Commons, the house now occupied by Dr. Lee. In this, there is, on the ground-floor, a sitting room, the windows of which open upon a garden; and this was the room in which, as Lady Sidmouth used, after her second marriage, to relate, she, for the first time, though but for a moment, had seen her husband. Her father and mother were sitting there, and she, a little girl with a dirty pinafore on, was playing upon the carpet near an open window, when a servant announced "Mr. Addington." On this, her mother, not thinking her costume such as would do credit to the *menage*, snatched her up, and put her through the window into the garden.—Who at that time would have ventured to predict that the gentleman, whose age then probably exceeded thirty, and the little girl who on his appearance had been bundled out of the window, were ever to be united as husband and wife!

Returning from the children to the father, it would be unpardonable to omit that, soon after Dr. Scott came to reside in town, he was elected a member of the Literary Club, where the wits and scholars of the day, Johnson at their head, assembled for good dinners and good conversation: nor has the whisper of detraction

ever ventured to question the readiness of our civilian, at any period of his life, to partake of the former, and contribute to the latter, of these rational enjoyments.

But it is time we should revert to Mr. John Scott. We left him in the last chapter, with a moderate practice in the northern part of his circuit; as well as before parliamentary committees, and at the chancery bar:* and he, therefore, had early acquired the only description of business to which he had directed his views; for, when in London, he did not frequent the courts of Common Law, and, when in the country, he did not attend Sessions. His gradually increasing business was, however, subject to the ordinary fluctuations; and, at the recurrence of these, he evinced more than ordinary timidity. He would feel, it is true, that the comfort of others was dependent upon the success of his exertions. He had become the father of a family, small indeed; for, though his eldest child John was born in 1774, nearly ten years elapsed before the appearance of another. Still his circumstances would afford ample grounds for the intrusion of anxieties amidst the endearments of domestic life; and his strong family affections, the *capitis injuria cari*, would render the husband and father keenly, and more than commonly, sensitive to professional neglect, as well as forbid indolence and stimulate ambition.

The early part of June, 1780, was the period of

* In a letter dated Carey-street, 1 May, 1778, Mr. John Scott says: "I do tolerably well, I do not get so much Pudding as Praise, tho' I fancy I am rather better of [sic] than most of my Age in the Profession."

Lord George Gordon's riots; when a holy alliance was formed between knavery and folly to pillage and burn the capital, in order that its recent pollution in tolerating Romish priests and masses* might be duly expiated. During this season of anarchy, Mr. John Scott, with his family, fled from his house in Carey-street, and took refuge within the gates of the Temple; a fact which is recorded by Mr. Twiss: but his situation and conduct on this occasion are also alluded to in the following letter from Dr. Scott to his brother Henry, which is valuable as a contemporaneous record of the extraordinary proceedings which it details."†

"Dear Brother,

"I received your Letter this evening, and am happy in being able to assure you that Peace and Satisfaction are fully re-established among us. We are employed at present in securing the Agents in this infernal Business, and in taking every Method of prevention against any future attempts. Military Associations are formed in every Part of Town, and I hope to be a very tolerable Performer of the Manual Exercise by the next Time you see me. In short, the Spirit of every Man either of Property or of Education is so thoroughly raised, that if these Scoundrels (be they

* By Sir George Saville's act, (18 Geo. III., c. 60), passed in 1778, Jesuits, and Roman Catholic bishops and priests, were henceforward exempted, on condition of taking an oath of allegiance, from arrest and prosecution on account of the religion which they professed.

† It is directed to "Mr. Henry Scott, Pilgrim-Street, Newcastle-on-Tyne," and has the post mark of the 15th of June, but no date.

sanctified villains, or be they downright Newgate Ruffians) were to attempt any thing again, we should be able, I am persuaded, with hardly any Assistance from the Military, to drive them where they ought to go, that is, to the Devil.

"What you have heard of the Northumberland* Militia is strictly true. In no part of the town did the troops behave with better regulated Impetuosity. The Execution they did was very considerable, and yet so necessary, that it has not subjected them to the least Imputation of Inhumanity.

"The Trials of the Rioters will come on next week. Till then the Public remains in ignorance whether these dreadful Scenes exhibited here, were the effect of any regular Conspiracy, or only the sudden Eruption of that ill-humour which has been brooding in the Minds of the Common People for some time past, and has been but too successfully inflamed by the Artifices of a malignant Party. What the specific charges are ag^{t}. L G Gordon we do not know, nor by what evidence they are to be supported. He is a close prisoner, and will continue so till his trial.†

* The fatality which, on this occasion, seems to have paralysed the city authorities, extended itself to the lieutenant-colonel of the Northumberland militia, who was unexpectedly discovered to be incapacitated for taking the command: it therefore devolved upon the major.

† On the 5th and 6th of February, 1781, he was tried at the bar of the court of the King's bench for high treason, when the jury acquitted him, as they considered the criminality of his intention not to amount to that of which he was accused. *Annual Registrar* for 1781, pp. 217—239.

"The Papers now have given you a complete Enumeration of Particulars; for they have resumed Courage enough to speak out, which they durst not do during the Continuance of the Outrages. My Brother's family and myself had our full Share of the alarm; Lincoln's Inn and the Commons being both marked out for Destruction, as being the residence of Lawyers. I removed every Thing that I could, upon so short a Notice, expecting every minute to have my house fired about my ears. John did the same, removing what he could carry, with his Wife and Child, in the Middle of the Night, to a place of greater Security. The Terrors they were in are not to be described; they were, however, no more than what were felt by every decent, virtuous Family in town. Nobody was safe but He that was protected by his Poverty, and his Participation of Guilt. I am certain, that if the Riot had not been suppressed that [Day*], the next night would have seen the whole city [in] Flames.

"The hospitals are full of wounded Men and Women, and the number of Persons killed by the Military and by Intoxication is considerable. I believe not more than one Soldier was hurt. The City behaved with the most disgraceful Want of spirit. Jack Wilks was the only Magistrate almost, who showed any degree of Courage or Sense upon the Occasion.

"If Government make a right use of this Business,

* The spaces enclosed here in brackets were, in the original letter, torn with the seal. The context, however, supplies the words with which to fill them.

they may derive Benefit from it. People's minds are heartily sickened of licentious Notions, now that we have had such melancholy Experience of their Consequences; and the Public in general is returning to a Love of regular Government and of the old Constitution, under which we have lived happily for so many Years. I wish the opposition may not act an improper Part at the Meeting of Parliament next week. This is too serious a Business to be made party Contention.

"The Tower Guns have been firing very briskly, and the Report is, that it is on account of the Capture of Charles Town, and of the American Army in it. I am, with best affections,

"Yours,

"W. S.

"Send me some money when you can."

The use, which I have made, by way of quotation, of the extensive Scott correspondence to which I have access, has been very sparing. When from it extracts relating to mere family affairs have been given, they will generally be found to have been called for, in order to correct, with due authority, mistakes which had previously been promulgated. But, as the foregoing letter relates almost exclusively to matters of national interest, I have selected it for publication, as a specimen of Dr. Scott's epistolatory style; and have deemed it more fair, both towards its writer and reader, to insert it, in spite of its length, without any mutilation.

But now let us quit matters whether of individual or public anxiety, in order to inquire into the friends,

the relaxations, and amusements, of Mr. John Scott's private life.

The question has sometimes been asked, why those, who have supplied Mr. Twiss with his private information, have withheld from him all mention of the associate and friend of Lord Eldon's youth and age, so well known to the London world, convivial as well as legal, under the name of "Dick Wilson;" but it would be more serviceable, perhaps, to fill up the deficiency, than to search out its cause.

The parents of Mr. Wilson were established at a house called Hepscot, near Morpeth, while those of John Scott were, as we know, resident at Newcastle. Between the boys in each house there was a close intimacy; and the children of old Mr. Scott, glad to exchange the thronged streets of the town and the smoke of its neighbourhood for the fresh green fields and rural sports of Hepscot, often visited their country friends. In the succeeding stage of life the two younger sons of their respective families, John Scott and Richard Wilson, were again thrown in contact: for each had come up to London to follow his profession—Scott, ambitious of success as a barrister, and Wilson, with humbler aspirations, limiting his hopes to the realizing of a fortune as an attorney-at-law. Amongst these new scenes the intimacy of their boyhood was renewed or continued: and it is presumed it would then not be unproductive of professional advantage to Scott; for Wilson obtained business and wealth. Often would John Scott, after he had attained distinction at the bar, avail himself of the Saturday afternoon, the lawyer's half-holiday, to dine with Dick Wilson; when he would

enjoy his host's jokes and stories, and admirable mimicry of the Northumberland dialect, as well as his port, for a couple of bottles of which neither he nor his brother the Doctor would be the worse. Wilson had humour, observation, versatility, and assurance; and with such qualifications he could hardly be otherwise than successful in life. He became a member of parliament; and was, in spite of his adherence to Whig politics, appointed by his friend Scott, at the commencement of his first Chancellorship, to be one of his secretaries. His useful qualities, whether in the occupations of business or the pursuit of pleasure, became widely acknowledged. The doors of Carlton House were thrown open to him; and his society was cultivated by the young princes. The Duke of Sussex continued, during the remainder of their joint lives, to keep up an intimacy with him; and frequently did him the honour to be a guest at his table: but His Royal Highness is believed to have been also his debtor in obligations more difficult to repay than a good dinner.

Though Mr. John Scott, during the earlier period of his professional career, put a strong restraint upon his naturally convivial disposition, it is clear that he did not absolutely seclude himself from society. To his brother Henry he says, in a letter dated 1st of May, 1778, "I see yr. Friend Bowes very often, but I dare not dine with him above once in three Months, as there is no getting away before midnight; and indeed one is sure to be in a Condition in which no Man would wish to be in the Streets at any other Season." Mr. Bowes delighted in making his guests intoxicated: the device, which he adopted to reduce them to this

state, is thus related by one of his biographers:* "Bowes had a practice, which he applied whenever he could, if he wanted to make any part of his company drunk, and as far as I have seen, he was generally successful. I have known very grave people over whom he has so succeeded. He would appear to be very candid, and to tell his guests they should help themselves to the spirits which were upon the table, whilst he officiously poured the water to fill up the glasses out of the tea-kettle. All this appeared very fair, but he had instructed his servant to bring in the kettle, with half and half of water and spirits, so that the more his guests were desirous of being sober, the drunker they became."

It is stated by Mr. Twiss that Lord Eldon was so indifferent to the sweetest warblings of Italian song, that he humourously declared the Opera House, to him, was "opera atque labores:"† but I could wish that the letter from which is extracted the following passage, showing that he was not equally insensible to the triumphs of the histrionic art, had fallen into the hands of Mr. Twiss; since it might, on family grounds, have afforded him a justifiable pleasure and pardonable pride to record the instance by which it is now our lot to illustrate the early admiration for the theatre, entertained by the hero of his narrative.

"You will see," says Mr. John Scott in a letter,

* Jesse Foot, in his "Lives of Andrew Robinson Bowes, Esq. and the Countess of Strathmore," p. 155.

† Twiss, vol. i. p. 70.

written about December, 1782, "the Papers very full of accounts of a Mrs. Siddons [sic] a new Actress. She is beyond all Idea capital, I never saw an Actress before. In my Notion of just affecting Action and Elocution, she beats our deceased Roscius all to nothing."*

When he was a junior in his profession, Mr. John Scott, with his wife, accompanied his eldest brother-in-law, Mr. William Surtees, and his wife, in a tour to the lakes of Westmoreland and Cumberland. Whilst the party were at the inn at Keswick, Mrs. Scott became ill. The medical man of the place was superannuated: for him, however, Mr. Scott sent. On his arrival, he begged Mr. Scott to retire, as he wished to question the lady when alone. When Mr. Scott had left the room, he said, "Madame, there is something on your mind. Probably you do not live happily with your husband?" Mrs. Scott, one of the most attached of wives, unable to bear this, fell into heroics, rang the bell, and ordered the doctor out of the house.

In the early part of Mr. John Scott's professional life, the health of both his wife and himself, appears to have been very delicate. Of his wife he thus writes

* It appears from Campbell's "Life of Mrs. Siddons" that about the end of 1782, she received from the legal profession the complimentary present of a purse of one hundred guineas: and it may be presumed that in the list of subscribers would be found the name of the youthful John Scott. The letter from which I have quoted has neither date nor post-mark. The "deceased Roscius," to which it alludes, is Garrick.

to his brother Henry, in a letter dated from Carey Street, 1st of May, 1778: "You will probably have heard that I mean to have Mrs. Scott and Jack at her Father's whilst I am upon the Circuit; they have frequently importuned her to come down, and I think it absolutely necessary for her health that she should do so. I shall come with her as far as York, where she will leave me till the Newcastle Assizes." Respecting his own health, the following extract occurs in a letter which John Scott addressed to his brother Henry on the 2nd of February, 1781: "You will easily believe that I could have no Motive for not writing to you except such as is perfectly consistent with the Affection I have for you. The Truth is, I have been and am so much indisposed that I have scarce Spirits to write to any body: and I feel a great deal of Unwillingness to trouble those I love with Complaints which it does them as little Good to hear as it does me to make. I have been plagued dreadfully with Giddiness and Swimming in my Head, which quite unman me; and I am now going through the drudgery of what little Business I can do with blisters on the Outside of me and enormous Quantities of Medicine in the Inside"

And now reverting from the private pains and pleasures of life to its active business, we find that Mr. John Scott had surmounted all those impediments that obstruct the start and earlier advances at the critical commencement of a professional course. With the increasing demands which were made upon their latent powers, his constitution strengthened, and his genius expanded. His ambition, too, advanced with the like progression; for one success is the pioneer to another. And he,

whose aspiring hopes had lately been bounded by the recordership of his native town, now disdained the dignity of king's counsel, if a precedence were given to his junior, though that junior was Mr. Erskine, the son of a peer, and the most accomplished orator of the English bar. Mr. Scott was firm; the ministers yielded: and in May, 1783, he took his place as a king's counsel, with that precedence which he had so spiritedly vindicated.

A seat in parliament appeared early to each of the brothers a desirable object. But before we see them placed in a position to take a share in the direction of public affairs, it may be interesting to learn what had been their opinions on the American war, the leading national event of their earlier manhood, and on the conduct of some of those who were most conspicuous whether in its support or opposition. Such opinions may have their use as contemporaneous indexes to the impressions made, by the conduct of their rulers, on other well-informed men, unconnected with party politics. But it is more than ordinarily curious to read how the youngest Scott, hereafter destined to be so long a cabinet minister both in war and peace, expressed himself thus early upon a question calculated to disclose his views both of national spirit and constitutional justice.

In a letter, having the post-mark of 11th of December, and written in 1777 to his brother Henry, William Scott thus speaks of his own feelings and those of Mr. and Mrs. John Scott, on receiving intelligence of the surrender of General Burgoyne and his army to the American General Yates, and adds a passing comment

on the political incapacity of Lord North's administration. "You could not be more deeply concerned for the fate of the gallant Burgoye than were your two brothers and your sister: We mingled our Tears for two Days together, being English Folks of the old Stamp, and retaining, in spite of modern Patriotism, some affection and Reverence for the name of old England. All People here whose Hearts lie in the same direction, are extremely concerned. It is totally unknown even to themselves, what the Ministry will do: I think they want common sense and common spirit as much as the Minority wants common Honesty."

On the 27th of January, in the following year, William Scott, thus, from London, addresses the same brother: "The Political world is in great Fluctuation, [but] I do not apprehend from any thing that I can [hear] that Lord Chatham is likely to occupy the Place you mention, or that his Friends will obtain any Places at all. The King is reported to be very determined about the War, and consequently about employing none but such as are inclined to support it. Lord Cornwallis has brought over no news relative to a Pacification or a Conquest, one of which is the only Event that can give an Englishman Pleasure. An Inquiry will be made soon in Parliament about the Miscarriage of Burgoyne, which will terminate in his Disgrace or that of L. G. Germaine,* whom the Ministry are inclined to

* Lord George Germaine, afterwards, by creation, Viscount Sackville, the Secretary of State for our American colonies.

support in preference." But a few days later, on the 12th of February, he recurs to Lord Chatham, and writes to his brother, that he "may depend upon it as authenticated fact the Minority consider Lord Chatham as having totally quitted them."

In another letter, written also in 1778, and probably* posted on the 30th of February, he mentions the impending war with France, and again alludes to Lord Chatham, as follows: "There is a strong Report that Lord Chatham will come in; but it continues all dark and gloomy. Why they Delay a Declaration of War I do not know; it seems to be no Manner of Doubt that a War *will* and *must* take Place. For my own Part I am sick of Politics—there is so much Folly on the Part of Ministers, and so much villany on [the] other side, under the Cloak of Patriotism, [that] an Honest man has nothing to d[o but to lam]ent the Fate of his Country, and butter his own Bread as well as he can. And I hope you take care to do so."

This letter was addressed by William Scott to his brother Henry, only a little more than a month before the great and venerable statesman to whom it refers, ended his oratorical triumphs and his life, in declaiming against "the dismemberment of this ancient and most noble monarchy."

In four years from the period just alluded to, the disastrous ministry of Lord North was compelled to retire. The Whigs, under the Marquis of Rockingham, succeeded it: but their ostensible chief, within a few months, dropping into the grave, their party became

* The post-mark of this letter is not distinctly legible.

disunited; and the Earl of Shelburne, already a minister, was raised to the head of a dwindling and heterogeneously formed cabinet.

The brief authority of the last-named premier is thus foreboded in a letter from Mr. John Scott, written about the month of December,* 1782: "We seem here to think that Charles Fox can't get in again, and that Lord Shelburne cannot keep in, and that Lord North may rule the Roast again whenever he pleases. As to Peace," continues the letter, "we are in fifty different stories in a day. I own I cannot bring my proud heart down to yield Gibraltar, nor is absolute unconditional American Independence a bit more agreeable to my Ears and feelings than absolute unconditional American Submission was—I like the language of Lord North,† better than that of any other Man or Set of Men in the house upon the subject of Peace: all parties but his seem to be struggling who can give up most of the old Rights of Old England."

Unconditional American independence was, however, acknowledged: and the Shelburne cabinet then fell before the North and Fox coalition, which under the name of the Portland administration, forced itself upon the king and country.

But, passing from the opinions entertained by the Scotts upon the conduct of public men, and the course

* It is in the same letter in which eulogistic mention is made of "a Mrs. Siddons, a new Actress."

† For an abstract of his speech, made in the early part of December, see Adolphus' Hist. of England, vol. iii. p. 444, last edition.

of public events, let us now return to their own careers.

So early as 1780, on a vacancy occurring in the representation of the University of Oxford, the ambition of Dr. Scott, or the zeal of his friends, ventured to hope that he might then be selected to fill it: but his claims to this distinction were, for the present, postponed to those of an older candidate. Four years later, Dr. Scott was returned for the borough of Downton, but unseated on petition: in 1790, however, being again elected for the same borough, he kept his seat.

Shortly after Mr. John Scott had, to use professional language, "taken silk," death created a vacancy in the representation of Lord Weymouth's close borough of Weobly: and Mr. John Scott, in consequence of an unsolicited application made by Lord Thurlow to its patron, was elected the new member.

To those who should close their eyes to the course of the brothers during the concluding part of the eighteenth century, a change would present itself, on again regarding them, as great as that which awaited Endymion, when, aroused from his spell-bound slumber, he found the twig, on which he had leaned, had become a tree: for the one brother would in the meantime have been constituted a privy-counsellor and judge of the High Court of Admiralty, and the other a peer and chief-justice of the Court of Common Pleas. Yet of that interval I shall say but little. During it, much of William Scott's life was too uniform to supply materials to the biographer; and much of John Scott's was so public, as to be the province rather of the historian. Nor, indeed, as regards this period, am I pos-

sessed of the means of making many important additions to the labours of Mr. Twiss and Mr. Townsend.*

Fox's India Bill was the *cheval de bataille* of the Portland administration; and against its side John Scott broke his maiden lance. His speech on the first reading, though in opposition, was hesitating and dubious, and asked time for consideration: that on the third, unequivocal and unflinching. The latter speech, however, was laboured and pedantic: and in it, if not resembling Falstaff, in being witty himself, Scott resembled him in being the cause of wit in others; for Sheridan turned it into infinite ridicule. The bill was rejected by the House of Lords, and with it expired the ministry which had given it birth.

In extenuation of Mr. Scott's oratorical enormities, it should be remembered that the old law writers, to whom, since leaving Oxford, he had devoted himself, form but a poor school for either elegance of diction, or purity of taste; and, therefore, that the woful deterioration from the days of the Oxford prize essay should be, in part at any rate, attributed to the evil communications of the quaint old company in which he had so often burnt the midnight lamp.

But, unlike the Coalition administration, he, if he fell here, fell to rise again; and, *clarior e flammis*, was all the better for the roasting he had got. His future

* The Life of Lord Stowell in No. XXXIII. of the *Law Magazine*, and four able articles on the Life of Lord Eldon, by the same hand, commencing in No. XLI. of the same periodical, and continued in the succeeding numbers.

speeches became conspicuous, not indeed for rhetorical brilliancy, but for subtle reasoning, sound law, and sterling sense.

Mr. Scott's business at the equity bar increased so rapidly, that before the year 1787* he had found it expedient to relinquish the eastern half of the Northern Circuit, and, indeed, had restricted his attendance to Lancaster.

In the House of Commons, he gave a general, though independent, support to the ministry of Mr. Pitt, which had succeeded that of the Duke of Portland, and by it was, in 1788, rewarded by the appointment of solicitor-general.

The close of this year is painfully memorable from the mental malady of George III.; and from the factions it engendered in his family and his Parliament. Pitt now moved and carried a series of resolutions on the state of the king and the delegation of his authority; which were, for the most part, highly unpalatable to the young Prince of Wales and his Whig associates. In favor of these resolutions, the new solicitor-general, the friend of Chancellor Thurlow, spoke, as from his office bound: but I have heard that one of his speeches on this occasion (presumed to be the first) was regarded by the ministerial side as too complimentary to the opposition; and ridiculed by the opposition for its prominent allusions to himself,

* Lord Brougham states that before Mr. Justice (James Allan) Park joined the Northern Circuit, Scott had given up all the circuit towns except Lancaster; and from Mr. Raincock's list it appears that Park joined it in 1787.

his conscience, and his God. From a cautiously worded paragraph transferred from Lord Eldon's anecdote book to the first volume of Mr. Twiss's work,* it appears "that it was the opinion of many of the king's friends that it was very desirable, for the king's sake, that Lord Thurlow should continue Chancellor, however the Regency administration might be composed." It might, also, possibly have occurred to the solicitor-general, at the commencement of the regency debate, that it was very desirable, for the king's sake, that the solicitor-general as well should continue to hold office, in spite of the changes that were anticipated. The people, however, were soon found to sympathise with the smitten monarch, and sided with his favoured minister: while at the same time the royal physicians held out increasing hopes of the speedy recovery of their patient. And, if Scott's later speech, of the 19th of January,† 1789, has a fault, it certainly is not that of taking too charitable a view of the conduct or motives of the Whig minority. The Regency bill, which in this spring was introduced, has been said to have been drawn by the solicitor-general: and there is no doubt that the course which he then adopted, exposed him to the hatred of the prince; but covered him with the gratitude of the king, who was restored to himself and his people before the bill became a law.

Sir John Scott (for on his appointment to the solicitor-generalship he had undergone the, to him, distasteful honour of knighthood) was in 1793 advanced

* Ch. ix. p. 197.

† Parliamentary History, vol. xxv., p. 1023.

to the office of attorney-general; and on him, therefore, devolved the most prominent part in the prosecutions for treason,* undertaken against the British sympathisers with French republicanism.

His opening speech on the trial of Hardy occupied nine hours, but did not exhaust him: When he resumed his seat, he was still fresh—a striking proof of the improvement which his constitution had of late years received. At the conclusion of the prosecution, Mitford, the solicitor-general, made the reply, and fainted in the course of his address. Scott, not long afterwards, said the evidence was, in his opinion, so nicely balanced, that, had he himself been on the jury, he did not know what verdict he should have given. The succeeding trial for high treason, that of Horne Tooke, ended, as this had done, with an acquittal. When it was over, the reverend philologist is said to have waggishly declared that he would plead guilty, if it should be his misfortune to be tried again for high treason, as he considered hanging preferable to the long speeches of Sir John Scott.

In the summer of 1799, the office of Chief Justice of the Court of Common Pleas became vacant; and the claim of the attorney-general to fill it could not be gainsaid. On receiving it, he, of course, had to retire from the House of Commons, where he had sat for seventeen years; but was raised to the House of Lords by the title of Baron Eldon.

* One of the most interesting passages in Mr. Twiss's work is Lord Eldon's justification of the course pursued by government in these trials.—See vol. i., p. 282.

His brother, Dr. Scott, if in the meantime less conspicuous, had been hardly less successful. In 1788, he had been constituted by the Bishop of London judge of his Consistory Court, and had received from the crown the appointment of its advocate-general. The latter office bears, in the courts at Doctors' Commons, a strong analogy to that of attorney-general in those at Westminster. In time of war it is very lucrative; and Mr. Townsend states, that during the great French war its fortunate holder sometimes received in the prize causes adjudicated in the Court of Admiralty as much as 1000*l.* a case, in fees and perquisites. On this promotion he was knighted. The same year had seen him appointed by the Archbishop of Canterbury his vicar-general, or official principal; in right of which he received fees on grants of marriage licenses, a fact to which a humorous allusion is made by the poet Moore :—

> Sir William Scott (now Baron Stowell)
> Declares not half so much is made
> By licenses—and he must know well—
> Since vile Quadrilling spoil'd the trade.*

Within the succeeding two years the same patronage conferred upon him the office of master† of the faculties; and in 1798 he was nominated judge of the High Court of Admiralty—the highest dignity of the courts at Doctors' Commons.

Thus have we, throughout this chapter, seen the two

* Country-dance and Quadrille.

† For an explanation of the nature of these various appointments, the unprofessional reader is referred to the fourth part of Coke's "Institutes."

brothers, in generous emulation, and now with alternate, now corresponding, success, press onward to the summits of their respective professions.

> Et nunc Pristis habet, nunc victam præterit ingens
> Centaurus: nunc una ambæ junctisque feruntur
> Frontibus, et longâ sulcant vada salsa carinâ.
> Jamque propinquabant scopulo, mentamque tenebant.

CHAPTER IV.

THE heart of old Mrs. Scott, which, towards the close of the eighteenth century, had throbbed with all a mother's pride at the successive recitals that her son William had been made judge of the High Court of Admiralty, and her son John a peer and Chief Justice of the Common Pleas, was saddened, ere the new century commenced, by the death of her son Henry, the letters to whom have hitherto afforded such valuable expositions of the feelings and opinions of his distinguished brothers.

Two brothers only were now left; of whom each was destined shortly to attain additional honours. The elder in March 1801 was elected member for the university of Oxford. With the history of the younger we shall now proceed; and we shall find Lord Eldon henceforward applying to princes and to cabinets that tact and practical knowledge of the world, which he had early acquired in the courts of common law; where, in the conduct of his profession, he had to weigh conflicting evidence, to estimate opposing probabilities, to

dive into hidden motives, to see through the cloud of obscurity into which human interests and passions involve the truth, and then, rejecting what was falsely stated, divining what was insidiously concealed, to apply boldly yet watchfully the results of his penetration and judgment, and to address his statements, his jokes, and his arguments, to the apprehension, the prejudices, the reason, and the various and varying tempers of the jury, and the bench.

In February, 1801, the ministry of Mr. Pitt was succeeded by that of Mr. Addington. As a part of the new arrangement, Lord Eldon exchanged the permanent and comparatively easy office of presiding over the Court of Common Pleas for the precarious and laborious dignity of the Wool Sack. The circumstances of this promotion shall hereafter be discussed.

The reader will not yet have forgotten that the first parliamentary brief, which Lord Eldon received after his call to the bar, was one on the petition of Mr. Bowes* against his successful rival in the contest for the representation of Newcastle-upon-Tyne. Since then, Bowes, a dishonored gambler and libertine, had spent much of his time in the King's Bench prison. He had entered into a Chancery suit respecting property with Lady Strathmore, the wife from whom he had been divorced; and, after her death, had continued the litigation against her executors. Rising by prudence and perseverance in inverse proportion to that in which Bowes sunk by the want of these qualities, John Scott, as Lord Chancellor Eldon, was called upon, not long

* See chapter II.

after his elevation, to adjudicate upon the claim of his early patron: and now, in the altered position in which they were placed, the former counsel of Mr. Bowes, "from motives of the nicest delicacy, called the Master of the Rolls, Sir William Grant to be present with him during the hearing of this cause." *

The peace of Amiens was the most important, if† not the most approved, measure of the new cabinet. Its preliminaries were settled in the autumn of 1801 on the responsibility, of course, of the existing ministers; but under the advice and management of the ex-minister Pitt.‡ Several members of the cabinet were "rather against peace," and amongst these dissentients was, according to Lord Malmesbury,§ the Lord Chancellor Eldon. If this allegation be true,

* Jesse Foote's Lives of Andrew Robinson Bowes, Esq. and the Countess of Strathmore, p. 158.

† When the preliminaries of this peace were beginning to be discussed, Lord Eldon mentioned to a friend that Pitt had said he would support the peace heart and hand. "But," stated his lordship, "Lord Melville is against us, Windham is against us," and then added, with a smile, "and my son John is against us."

With a mind of considerable cultivation, the delicate fabric of which was highly susceptible of the impression of classic grace and beauty, Mr. John Scott, the eldest son of the chancellor, was an enthusiastic admirer of William Windham, whose intellect had full as much of polish as of power; and whose speech, subsequently delivered against this very treaty, deserves to be ranked amongst the most finished specimens of eloquence in the English language. The life of Mr. John Scott was not long granted to the affection of his friends and the idolatry of his parents. He died in December, 1805, at the age of thirty-one years.

‡ Lord Malmesbury's Diaries, vol. iv., p. 59.

§ Idem, p. 60.

there seems to be a difficulty in accounting for the language which the chancellor subsequently adopted; for in an ensuing debate he is found in parliament, not only defending the preliminaries of the peace with the ordinary zeal of a minister, but authoritatively claiming them as his own special progeny. Perhaps he was hurried away by party exigencies or excitement: perhaps his practised sagacity suggested to him that the surest mode to obtain a commanding influence was to assume the appearance of possessing it.

The chancellor stated, "He was firmly persuaded that the war had been carried on until it became hopeless to proceed any further. It was undertaken to guard the country against the effects of principles and practices which had been propagated and carried on by persons combined for the purpose of overturning the constitution. With this object in view, the war was attended with success; because those principles no longer existed to any extent that could be attended with danger. *In advising his majesty to make peace* he would perish sooner than he would sacrifice any of the essential interests of the country; but, when he said that, he must not be understood to vapour in praise of the peace as if it was a very honourable one. *His principal object had been* the attainment of a secure and lasting peace, and the former ministers had often declared that they had no other object in view." *

The reader will have observed that the language

* "Hansard's Parliamentary History, vol. xxxvi., p. 171. The speech quoted was made November 3, 1801, in answer to one from Lord Grenville.

originally used has not been "*our*," but "*my*, principal object," and may perhaps consider the tone adopted to be that of a prime minister.

The spread of the democratic spirit of France had, indeed, been checked; but not her ambition for territorial aggrandisement. The peace of Amiens proved little more than an armistice; and England was speedily plunged again in a war with her continental rival. Mr. Addington then found that his government had not vigour for the mighty struggle; and, after having sought the accession of Mr. Pitt as his coadjutor, but on terms with which that statesman would not comply, commenced making overtures to some of the Whigs.* Before long the antagonist influences of Pitt and Fox arrived at a portentous conjunction, which might well be deemed to threaten a disastrous and violent dissolution to the ministry of Addington. But while he was thus beating about for recruits, by means of whom to oppose this formidable confederacy, the official existence of Mr. Addington was terminated, in May, 1804, in consequence of a secret negociation between Lord Eldon and Mr. Pitt, to which the king, latterly at any rate, had been a party. Pitt resumed office as prime minister; but he could not prevail on his majesty to admit his new ally, Fox, to his counsels, or on Lord Grenville to join an administration from which Fox was excluded. Lord Eldon continued to hold the Great Seal.

* In the early part of 1804, Addington offered the attorney-generalship to Erskine. "Moore's Life of Sheridan," vol. ii. p. 323. See also p. 324.

And here, perhaps, I may conveniently allude to a heavy accusation, brought in strong language, against the chancellor.

"Not once, but repeatedly, not in one, but in various forms, Lord Eldon," according to a writer in the *Law Review*,* "would represent his acceptance of the Great Seal as forced upon him, as not according with his own inclination, as only occasioned by a promise which he had given to George III., when he was raised to the office of Chief Justice of the Common Pleas. Now," adds the reviewer from whom I am quoting, "there is a positive certainty that this cannot be an honest representation of the fact." The article then proceeds to charge Lord Eldon with availing himself of little more than ordinary expressions of royal favour—such, indeed, in some instances, as had been subsequently used by William IV. to Lord Chancellor Brougham—to represent that he owed his appointment entirely to George III. in contra-distinction to Mr. Addington, and to establish a "wary and subtle distinction between the king's chancellor and a premier's colleague;"† that thus he might, under the plea of his paramount duties in the former capacity, be defended against the accusation of having betrayed the ministry whilst sitting at its council-board—of acting the part of the treacherous ally who opened the gate of the citadel to the enemy, while his comrades slept.

This charge deserves the more notice, because it has been attributed‡ to the pen, hardly less eloquent than

* Vol. i. ch. xii. p. 256. † Vol i. ch. xii. p. 261.

‡ In a note to the sketch of Lord Eldon in Lord Brougham's his-

the tongue of "the most eloquent of living men;" and because its presumed author, himself at one time invested with the dignity of chancellor, must have been well aware how great was the treachery and falsehood, how doubly tangled the web of deceit, with weaving which he has accused one, certainly not the least distinguished, of his own predecessors.

It must be admitted that this charge seems, in some parts, not absolutely without foundation; but, even in these there are circumstances of extenuation which should have, but have not, been stated.

Lord Eldon's repeated assertions, that the office of chancellor was rather shunned than courted by him, that he consented, contrary to his own inclination, to accept it, appears at first not unsupported by probability. His prudent character, his far-sighted intellect might have led him to prefer a permanent situation, for which he was eminently qualified, to one, indeed, of greater emolument, patronage, and dignity, but from which the chances of party warfare, or the death or renewed insanity of the king, would, in all probability, speedily dismiss him to a hopeless banishment in the "cheerless barren regions of opposition." That Lord Eldon's declarations were strictly true, that his ambition was thus modified and restrained, it did not—I confess my simplicity—once enter into my head to

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torical sketches (Knight's weekly volume), his lordship has referred his reader for further information to the article from which I have been quoting; and that, without any disclaimer of its authorship, though he must have known it was attributed to him: I shall be excused, then, if I treat it as his.

question, till, opening the second volume of Mr. Twiss, I found that, after having, during his exclusion from office, whilst the ministry of "the talents" was in power, exerted his best efforts to reorganize and invigorate the opposition,* whose victory would restore him to the Wool Sack, he again celebrated his elevation to office, when it actually arrived, in dirges instead of peans; writing to Dr. Ridley, that "the death of his friend Mr. Pitt, the loss of his poor dear John, the anguish of mind in which he ever has been, and ever must be, when that loss occurs to him; these have extinguished all ambition:"† and assuring Dr. Swire, "that the world should not have induced him to take the seal again, if the king's commands had been of such a nature as to leave him any choice."‡ The credibility, then, of both statements, candour must compel us to give up; but in assigning a motive for the former of these, we may well differ from the reviewer alluded to. As, in the latter case, there seems to have been no important object to be gained by a disingenuous assertion, it is not unreasonable to presume that there was none contemplated in the former. The reiterated attempts to represent the highest honours of his life as to him only grievous incumbrances, forced upon his reluctant acceptance, were, in all probability, the mere result of that inveterate habit of canting, which, whether originally caught from the example of his old schoolmaster,

* See Lord Eldon's letter to Lord Melville. Twiss, vol. ii. c. xxiii. p. 18.

† Twiss's Eldon, vol. ii., c. xxiv. p. 31.

‡ Idem, p. 34.

Dr. Moises, or adopted to acquire admiration or disarm envy, disfigured and degraded a character in which there was much to admire and to love.

From that part of Lord Eldon's statement which refers more immediately to himself, let us now pass to that in which his majesty is most prominent.

The naked fact that the king, on appointing Lord Eldon to the chief-justiceship, did ask him to "promise not to refuse the Great Seal when he might call upon him to accept it,"* seems to have been admitted by the reviewer: but that this was a mere common form of kingly condescension,—the unmeaning persiflage of courtly compliment, which could hardly have been uttered, and could not be narrated, with gravity,—a consideration of the circumstances of the times, including the expectations of Ireland, the intentions of the leaders of both parties, and the conscientious scruples of the king, will afford no ground to support.

I must now throw myself upon the indulgence of the reader, while I glance at a few facts respecting the conduct of George III., Mr. Pitt, and Lord Eldon, in regard to the "Catholic Question."

His majesty having heard that Lord Fitzwilliam, then Lord Lieutenant of Ireland, was, with the authority of his office, sanctioning the agitation of measures "in favour of the papists" (such is the royal language), wrote on the 7th of May, 1795, to Lord Kenyon, the Chief Justice of the King's Bench, to ask his opinion respecting "the question" which he considered "had been so improperly patronized by the lord lieutenant;"

* Twiss's Eldon, vol. i., c. xv., p. 331.

and added that he should be glad if the chief justice "would also acquire the sentiments of the attorney-general on that most serious subject."* The attorney-general was then Sir John Scott: but I have not observed that his connexion with this remarkable correspondence has been noticed in any of the biographies of Lord Eldon which have yet appeared.

Lord Kenyon, it is clear from his answer, agreed with the king in considering that the coronation oath was binding upon the conscience of the sovereign in his legislative as well as in his executive capacity; for he said "to overthrow the church establishment, as he (Lord Kenyon) had then stated it, would, as it seemed, militate against the coronation oath, as settled in the statute I. William and Mary, and the act of union (with Scotland) and contravene an essential and fundamental part of the act of union." He added that "though the test act appeared to be a very wise law, and in point of sound policy not to be departed from, yet it seemed that it might be repealed or altered without any breach of the coronation oath, or act of union." And in answer to his majesty's particular inquiry, he declared that, "it would seem that a chancellor would incur great risk by affixing the Great Seal

* Correspondence of George III. with Lord Kenyon in 1795, and with Pitt in 1801, on the subject of concessions to the Roman Catholics, published in 1827. It is to be remarked that it is mentioned in Mr. Twiss's work (vol. i. p. 361) that Lord Eldon unsuccessfully attempted to stop the publication of the Pitt correspondence; but I have not there observed any allusion to Lord Eldon's original connexion with the correspondence between the King and Lord Kenyon.

to a bill giving the pope a concurrent ecclesiastical jurisdiction with the king." He stated, too, that "he had conferred with the attorney-general, and believed there was not any difference of opinion between them."

What, then, can be more probable than that the king, seeing the accession of support to his own views to be acquired by placing in the cabinet a chancellor with such pre-ascertained sentiments, should have from that time determined that the attorney-general should eventually succeed to the Great Seal? What more natural than that a king, entertaining such a project, and notoriously persevering in all projects which he had once entertained, should, on raising that attorney-general to a peerage and chief-justiceship, dread lest his intended coadjutor, released from his heavier toils, should reject higher but more precarious preferment; and hence seriously extort from him a promise not to disappoint his cherished expectations?

And here let us pause to reflect upon a remarkable coincidence. Neither was the repeal of the Test Act effected, nor the Catholic Emancipation Act passed, till Lord Eldon had finally relinquished the Great Seal; but both these measures, which characterised the reign of George IV., were deferred till the chancellorship of his successor, Lord Lyndhurst.

Previously to the passing of the act of union with Ireland, Mr. Pitt had suffered his own desire to be promulgated through that country, that this ministerial measure should be followed by another removing the disabilities from Roman Catholics. His intention also was to substitute for the sacramental test an oath of

allegiance to the king and constitution.* Thus would he throughout the empire have admitted all dissenters to the privileges of office; and the adherents of the Church of Rome to parliament, from which they were the only sect now excluded. The Roman Catholic priests, too, in Ireland, were under conditions, to have received some payment from the national purse.† But, when after the union with Ireland, Mr. Pitt found the mind of the king unalterably prepossessed against his proposals, he, together with several of his friends, withdrew from the administration; and, in February, 1801, Mr. Addington succeeded him at the helm of government. Lord Eldon on this occasion accepted the chancellorship.

In allowing the resignation of Pitt rather than concede to his requirements, the king had made a great sacrifice of his personal attachments to his conscientious opinions. He was now attacked by a feverish disorder; and his mind was for a short time affected. In the early part of March, when somewhat convalescent, his majesty desired one of the Messrs. Willis, his medical attendants, to write or speak to Pitt. "Tell him," said the king, "I am now quite well, quite recovered from my illness; but what has he not to answer for who is the cause of my having been ill at all!"

This communication affected Pitt deeply: he immediately wrote an answer "most dutiful, humble, and contrite," in which he promised he would henceforward "give up the Catholic question."‡ Lord Eldon had

* Lord Malmesbury's Diaries, vol. iv., p. 1.

† Correspondence of George III., p. 32.

‡ Diaries of the Earl of Malmesbury, vol. iv., pp. 31, 32.

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originally accepted the Great Seal with the approbation* of Pitt, with whom he appears to have continued on friendly intercourse; he, therefore, probably, had been all along anxious that Pitt should return to a connexion with government, especially since he must have been acquainted with the concession which the ex-minister was now willing to make to the wishes of the king. But, with the increasing exigences of the state, increased the hostility of the former friends Pitt and Addington. The commencement of 1804 was rendered still more gloomy by the king suffering some return of his old mental malady; whilst at the same time the ministerial ranks in parliament were daily diminished by desertions to the opposition. In this emergency we find the chancellor, unknown to his colleagues, volunteering, on the 20th of March, a communication to Mr. Pitt; on which the latter writes to say he will "put him confidentially in full possession of all the sentiments and opinions by which his conduct will be regulated;† and we find the same minister, a little later, becoming the medium of intercourse, through which Mr. Pitt, still in opposition, communicates with the king.

In the extraordinary, and indeed unprecedented, circumstances of the times, the chancellor's conduct will certainly find a justification or an excuse. Mr. Wilberforce, who was intimate with both Pitt and Lord Eldon, and who was aware of the negociation whilst it was pending, writes, after conversing with Lord Eldon, that "his sentiments and language did him the highest

* Twiss's Eldon, vol. ii., c. xxiii., p. 17.

† Twiss, vol. i., ch. xix. p. 438.

honour."* Acquitting, then, the chancellor, as we are here bound to acquit him, of all base, all interested motives, yet we must admit that, however the debilitated energies of the country might demand that some change should be wrought suddenly, however the tottering mind of the king might require that the change should be wrought quietly, still it would have been more analogous to the ordinary principles and common conduct of gentlemen, if he had himself retired from the ministry, when he considered it too weak to serve the country efficiently, before he entered into a secret negociation, which might end, as it did end, in its subversion.

And now we will take a passing glance at the newly-returned premier. And here it may be stated that Pitt had been originally most desirous to avoid the anti-revolutionary war with France,—so much so, indeed, that Lord Eldon has, in private conversation, said of him, that in no other matter did he so much question his judgment, as in his unwillingness to enter into it. The great minister shrunk from bringing this country into collision with the unknown but expanding energies of the young republic. Still, there can be no doubt that when war was once adopted, and when, after its temporary cessation, it was again rekindled, he applied all the vast resources of his mind to organize Europe against the common aggressor.

In this, Pitt's last and brief administration, his zeal taxed too heavily the powers of his frame. His con-

* Letter from Mr. Wilberforce to Lord Muncaster, dated May 1, 1804. See the Life of Wilberforce, vol. iii., p. 156.

stitution was prematurely worn out by incessant labour, and his spirit broken by the successive disappointments of all his plans for resistance to France upon the continent. Scarcely had his hopes begun to revive through the glorious victory of Trafalgar, when they were again crushed by the disastrous intelligence of Austerlitz. The blow, which seemed fatal to Europe, was fatal to him. He expired on the 2nd of January, 1806.

The coalition ministry of "all the talents" was then formed under Lord Grenville. It comprised Fox as Secretary for Foreign Affairs and leader of the House of Commons; and Erskine,* now created a peer, as Chancellor. But Fox was soon destined to find, beneath the roof of Westminster Abbey, a quiet resting-place by the recent grave of Pitt. Nor was it long

* When Erskine had received the Great Seal, he, with kind consideration, said to some of the secretaries and official staff of his predecessor, "Keep your places, gentlemen." Dick Wilson, who has already been introduced to the reader (see the third chapter), took him at his word; but Lord Eldon, though he continued to cultivate the intimacy of his old friend, did not, on returning to office, reappoint him to his situation.

William Villiers Surtees, a young barrister and nephew of Lady Eldon, answered a similar offer, on the same occasion, by expressing his thanks, but adding that he had received too much kindness from Lord Eldon to be willing to serve under his successor. With this answer Lord Eldon, when he heard of it, was greatly pleased. In very advanced life the attachment of Lord Eldon to this gentleman became remarkable. He became then unwilling to be long separated from him; and till the death of his *protégé* in the spring of 1834, could hardly be induced to undertake any considerable journey without his company.

before the king, quarrelling about some suggested concessions to the Roman Catholics, eagerly dismissed the now enfeebled and disunited cabinet.

During the interval just mentioned, which broke Lord Eldon's long tenure of office, his time appeared to hang heavily upon him. His resources for occupation were limited: literature he had not cultivated since his Oxford days; in composition he was neither practised nor successful; and his political talents, though exerted at this period, were always of a kind better suited to the cabinet than to the debate. Through long habit his nature had grown professional; and, as is commonly the case, he loved the pursuits in which he excelled. The form of the ex-chancellor was then often seen to haunt the inns of court, the scenes of his departed glory: and often would he drop in to the chambers of his old friends; and, in the enjoyment of his pleasing conversation, make others as idle as himself.

In the spring of 1807, the Duke of Portland, for the second time premier, took office, accompanied by the Tories, heirs, in most measures, of the policy of Pitt. The Duke of Portland numbered in his administration Spencer Percival as Chancellor of the Exchequer, and Lord Hawkesbury (afterwards Earl of Liverpool) as Secretary for the Home Department; and under these three personages, as they succeeded each other in the dignity of prime minister, Lord Eldon, who now again resumed the Wool Sack, continued uninterruptedly for the space of twenty years, to hold the Great Seal, and to sway the cabinet.

As a termination to this chapter, the reader shall

now be presented with two letters from Lord Eldon, written during the earlier part of his second chancellorship; and one letter from Lord Stowell, written about the same period.

The first letter, which I am about to quote, requires some little preface. It relates to the duties of the chancellor in dismissing or retaining justices of the peace. The theatre of the contention to which it alludes was the county of Durham; and so great there has been the change in the lapse of between thirty and forty years—the temporal authority having passed from the bishop to a lord-lieutenant,—so general the death of the parties connected with the dispute, that, whatever objections of delicacy there may have been to its early publication, it is now scarcely fair to withhold* from the public a document which can be offensive to no one, and which is replete with sound cenſtitutional doctrine.

At a general meeting of the magistrates, held, according to statute,† for the purpose of granting licences to publicans, a licence had been refused to one of the applicants. This refusal was the result of the influence of the Bishop of Durham; nor has it been suggested that the interference of Dr. Barrington, the Prelate Count-Palatine, was tyrannical or groundless. The publican next preferred his claim at some petty ses-

* A small portion of this letter was, in 1840, published by Mr. Taylor, in his memoir of Mr. Surtees of Mainsforth, author of the "History of the County of Durham," to the fourth volume of which work the memoir is prefixed. The quotations will be found at p. 46.

† 2 Geo. II., c. 28, and 26 Geo. II., c. 31.

sions, held at Rushyford, in 1808; and the licence was there granted by two magistrates,* one of whom was a clergyman. They had, however, mistaken and exceeded their powers; for a licence could not be legally conferred at the sessions in which they had assumed to confer it. According to the then existing custom of the palatinate, the commissions of the peace were of annual duration, and renewed each year. And the bishop, being in those days *custus rotulorum*, and conceiving that this conduct, on the part of the clergyman at any rate, was dictated by a desire to annoy him, took the course of rejecting from the list, which, according to custom, he annually sent up for the approval of the chancellor, the names of the two offending magistrates; and that, without calling the attention of the chancellor to the fact of their rejection. The commission of justices for the following year, being as usual a mere echo of the recommendation, had the same omissions. In 1809, therefore, the County of Durham was in a ferment. The lay magistrates, comprising a local aristocracy ever jealous of episcopal encroachment, declared their independence was undermined. Several gentlemen of consideration voluntarily withdrew from the commission; whilst others approached the bishop with a remonstrance, courteous, yet firm, stating that, "however satisfied they might feel of the purity of his lordship's views, they could not acquiesce under a power which might hereafter be exercised by others with very different intentions."

* Mr. Currie and the Rev. Robert Spencer.

With an allusion to this remonstrance, Lord Eldon thus commences a letter to Lord Grey :—

"March 30, 1810.

"My Lord,

"Your lordship having communicated to me an intimation that Mr. Hutchinson and the other magistrate who had addressed the Bishop of Durham, had expressed a wish to know the sentiments which I had stated to the Bishop, I have no difficulty in communicating the precise substance of them, under a full understanding that no such communication as this should be published in print, which I think very objectionable.

"I told the Bishop that what he proposed prospectively accorded very much with my sentiments; that I took it to be quite clear that a person holding the Great Seal was the only person who could expunge the name of a Magistrate from the Commission existing; and, as the Act of that Person is necessary for such a purpose, there never had been, I believe, any doubt or difficulty arising out of such a case; and that when any application is made to the Person holding the Great Seal, to expunge the name of a Magistrate from the Commission, whose conduct has not been otherwise judicially examined, upon that application the Party accused should be heard. I further represented that, where a new Commission of the Peace is proposed, I take the correct course to be, that those, who, from their situation, recommended to the Chancellor, should state specially the names of such Gentlemen, as being Magistrates in former Commission, are proposed to be omitted in the new Commission, and the reasons with

reference to which it is thought fit that their names should be omitted. That the Chancellor ought also to afford those Gentlemen an opportunity of being fully heard against the Proposition.

"I further represented that I was afraid that this attention, so obviously due as a mere act of Justice to Gentlemen who have acted under former commissions, from a practice too lax had not been sufficiently attended to by many whose situations called upon them to recommend persons to be named in new Commisions of the Peace; and that I should not act as candidly and honourably as I ought, if I did not add, that those holding the Great Seal had not been sufficiently anxious to require that this special statement should always be made, or sufficiently careful in examining, when no such special statement is made, whether any names are omitted in the new Commission—that, if I had accurately attended to my own duty, according to the sense of it which I had expressed, the Bishop would perceive that before the Commission complained of was sealed, the circumstance which had occasioned the uneasiness which had led to the correspondence, would have been satisfactorily adjusted. I further added that I was happy in knowing that such a circumstance could not occur again in the County Palatine while the Bishop lived and I held my office; and that as the matter had been matter of great publicity, and the Bishop had my Authority to communicate such my sentiments, I hoped no occurrence of the same kind would happen between the Magistrates of the County and our Successors.

"I have only to add, that by authority to communi-

cate my Sentiments—I meant to communicate them to any of the Magistrates concerned, but not to give them to the public by printing, which I cannot approve.

"I am, my Lord, with much respect,

"Your faithful humble servant,

"ELDON.

"The Right Honourable Earl Grey."

On the subject of this letter it need only be added that in 1811 the displaced magistrates were restored to the commission by the chancellor.

In the following year, the corporation of Newcastle-upon-Tyne, being anxious to adorn the walls of their Guildhall with the portraits of their most distinguished townsmen, requested Sir William Scott and Lord Eldon to sit for their likenesses. The request, as we shall find, was complied with. And there, at this day, the portraits of these profoundly learned judges, together with that of their gallant schoolfellow Lord Collingwood, form a spectacle well calculated to awake the emulation and stimulate the energy of the native youth.

The reader shall no longer be detained from the answers which the two brothers on this occasion addressed to the Mayor of Newcastle. He will be prepared silently to accompany each writer in turn to his desk. It may be that the paper is filled slowly—that the raised pen is long suspended: but he will pardon the mournful reverie; he will not disturb the moral retrospect. The home of their childhood, their school, the struggle of their youth, and the triumph of their age, the death of friends who had grieved over the one and rejoiced at the other, the vanities and vicissitudes

of fleeting life with its unavailing sorrows and its empty joys—all these crowd upon the mind, oppress the heart, and dim perhaps the eye.

(*Lord Eldon's Letter.*)

" Dear Sir,

" I beg you to be assured, and that you will be pleased to assure the Alderman and Common Council, that I am impressed with a very warm Sense of Gratitude for the Mark of Respect and Regard, which is mentioned in your letter of the 13th instant. In complying with the Request contained in it, which I am satisfied is dictated more by their kind Partiality than by any claim, which I can have to the distinction offered to me, I would willingly indulge the Hope that the Measure, which has been proposed, may occasionally and usefully suggest to the descendants of our Fellow Burgesses that in this great and free Country the industrious Exercise of moderate Talents may, under the blessing of Providence, raise them, before the Close of Life, to those Situations in the State, to which, in the beginning of Life they could hardly aspire, and may ensure to them also the solid Gratification which flows from receiving in advanced Years Distinction and Honour from that Part of the Community, among whom were passed the days of Infancy and Youth.

" I am, Dear Sir,

" Y^r^ obliged and faithful Friend,

" ELDON.

" July 26, 1811."

(Sir William Scott's Letter.)

" My dear Sir,

" I beg you will take an early opportunity of presenting my sincere Thanks to the Corporate Body, over which you at present preside, for the high and unexpected Honour they have been pleased to confer upon me, in requesting me to sit for my Picture to be placed in the Guildhall in company with the Pictures of the Lord Chancellor and Lord Collingwood.

" It cannot but be highly gratifying to me, on every account, to be thought worthy of such a Distinction by the Gentlemen of Newcastle. I received my Education amongst them; and to that Education, under God's good Providence, I owe everything that can have obtained for me so flattering a Declaration of their Regard. I am happy in feeling that, in their opinion, I have not dishonoured It in the Course of a Life that has passed under some degree of Publick Observation. It is a testimony to my Character, to which I hope my Family will in all future time advert with peculiar Pride and Satisfaction—as conveying the Sentiments of those who have had the best Opportunities of judging upon the general Tenor of my conduct; It is with real Elevation of Mind that I receive the Result of their favourable judgment, in their associating me upon such an Occasion with two Individuals who have made a more splendid Use of the same early Advantages in Life, and whose more important Publick Services have united for them the Applause of their Country with the honourable Approbation of their native Town.

" I beg that you will present my particular Acknowledgments to Mr. Clennel and Mr. Reid.

"I have the Honour to be, Mr. Mayor, with particular Regard and Respect,

"Your obliged and faithful humble Servant,

WM. SCOTT.

"Early Court, July 27, 1811.

"To the Right Worshipful the Mayor of Newcastle."

CHAPTER V.

THOUGH in the last chapter it was stated that the political talents of Lord Eldon had not entirely slumbered during the Grenville Administration; the fact was omitted that the ex-chancellor was, at that period, the confidential adviser of the Princess of Wales, the attacks upon whose character had found encouragement in the Whig ministers of the day—the friends of her husband.

Let us now, for a moment, go back to the day on which the unhappy lady made her first inauspicious landing "on this English earth."

It was midday on Sunday the 5th of April, 1795, when Caroline of Brunswick disembarked at Greenwich. By two o'clock in the afternoon of the same day she was conveyed to St. James's. Here the Prince of Wales hastened to meet her. And here to the fastidious bridegroom was she presented invested with an ambient atmosphere, created by the fumes of the brandy and water which she had drunk—no very inviting creden-

tials of feminine breeding; especially to one who had ever been *lié* with those whose physical—whatever might be said of their moral — purity was unquestionable.

The disgust, once taken, was rapidly increased. Who has not heard of the honeymoon of the Princess, so mysteriously and portentously eclipsed?

Well, long years of estrangement followed the birth of the Princess Charlotte. As the Prince had naturally gravitated to the Whigs, so, by as sure a law, was the Princess drawn into the political system of the Tories, which revolved round the King. In May, 1806, whilst the Whigs were in office, the Prince preferred to the ministers a charge against his wife, whom he had deserted, of being unfaithful, and of having unlawfully become pregnant, and given birth to a son. The charge was taken up by the government; and authority was intrusted, by a commission from the King, to a secret tribunal, consisting of four members of the ministry to conduct "the delicate investigation" of the credibility of the evidence by which it was supported.

On the 14th of July, the commissioners reported to the King, that the pregnancy and delivery were disproved; but that there were other circumstances, "particularly those stated to have passed between Captain Manby and her Royal Highness, which must be credited, until they receive some decisive contradiction; and which, if true, were justly entitled to most serious consideration." And a copy of the report, and of the depositions on which it was founded, was shortly afterwards forwarded to the Princess, at her residence at Blackheath.

As the befriending her Royal Highness was known to be a sure mode of gratifying the King, and damaging the ministers and the Prince, she had then no lack of able friends and defenders. Lord Eldon, at that period, would often dine with her at Blackheath; and to him she used to assign the seat of honour on her right hand. In Germany it had not been the custom for gentlemen to help the ladies near them to wine; but each sex filled their own glasses at their option. The Princess, however, as Lord Eldon related, used to reverse, in some sort, our own old English fashion in his favour; for she would quietly fill his glass herself, and so frequently, that he seldom left her house without feeling that he had exceeded the limits of discretion. Those, indeed, who recollect the proverb, "that, though one man may take a horse to the well, ten men cannot make him drink," will moderate their commiseration for the hard lot of the ex-chancellor.

The Princess, having an ally so well qualified to assist her in this emergency, communicated to Lord Eldon the report and depositions. He came to the conclusion, which he then of course kept private, that, though at the time in question "she was not with child, she had supposed herself to be with child;"* and,

* Romilly's Memoirs, vol. iii. p. 104. It is a remarkable fact that, though Mr. Twiss in the second volume of his work, c. xxiv. p. 37, has quoted, from the very same page in Sir Samuel Romilly's Memoirs, another part of this conversation, he has omitted to notice this startling passage. That the principal advisers of the Princess entertained the view attributed to Lord Eldon, will appear more probable after a perusal of her letter to the King, of the 2nd October,

therefore, that she was more fortunate than innocent: but he supported her cause with the zeal and the skill of an advocate. Mr. Perceval, with the assistance of Lord Eldon and Sir Thomas Plomer,* composed for her some letters to the King. In these she defended herself from the imputations cast upon her, and, after attacking the conduct of the Prince and the commissioners, in a manner calculated, if the letters should be published, to produce a great effect on the country, threatened, that unless her reception at Court (to which her husband and the ministry had raised impediments) should immediately be permitted, she would publish the whole proceedings and correspondence.

About the commencement of 1807, as the ministerial interdict upon the Princess appearing at Court had not been taken off, Mr. Perceval,† the most active of her partisans, caused the documents connected with the "delicate investigation" (comprising these letters) to be privately printed, with a view to publication. In this step he had the sanction of Lord Eldon,‡ of the

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1806; of which Sir Samuel Romilly, after praising the dexterity with which it was drawn up, says, "The most remarkable circumstance in it is, that the Princess, instead of demanding that a further investigation of her conduct should take place, and that she should have an opportunity of proving her innocence, and confounding her enemies, earnestly deprecates any further inquiry."—Id. vol. ii. p. 165.

* Hansard's Parliamentary Debates, vol. xxiv. pp. 1132—1144. Romilly's Memoirs, vol. ii. p. 165.

† Romilly's Memoirs, vol. ii. p. 165.

‡ Edinburgh Review, No. cxxxv. pp. 29—32. Hansard's Parliamentary Debates, vol. xxiv. p. 1145. A few letters from the

Duke of Cumberland, then in confidential communication with both his Majesty and Lord Eldon, and of (it may hence be fairly presumed) a still more exalted personage.

The reasons and circumstances, which led to the abandonment of the intention at this time to publish, may be collected from the conversations of Lady Hester Stanhope and of Lord Eldon.

In 1837, Lady Hester, after alluding to what is commonly called the Queen's Trial, thus spoke of the book of Mr. Perceval:* "I prevented the explosion the first time; and I will tell you how. One day, the Duke of Cumberland called on me, and, in his accustomed manner, began 'Well, Lady Hester, it will be all out to-morrow. We have printed it, and to-morrow it will be all out.' I knew what he meant, and said to him, 'Have you got [Lord Eldon†]'s leave? I, for my

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Princess to Lord Eldon, given in the 13th chapter of Mr. Twiss's work, (from one of which it appears that she would not even discharge some servants who had made depositions to her prejudice, unless Lord Eldon would "agree to the request" that she might do so) conduce also to show how improbable it is that the Princess should have originally allowed the documents to be printed without having first obtained his lordship's approbation. Of this book, according to Adolphus's "Royal Exile," vol. i. p. 440, three original impressions were said to have been preserved.

* "Lady Hester Stanhope's Memoirs, as related by Herself in Conversation with her Physician," vol. i. p 305.

† Where in this conversation the words "Lord Eldon" are here inserted between brackets, the words "the Chancellor" occur in

part, don't like the business at all.' 'Why don't you like it?' asked the Duke. 'Because,' answered I, 'I have too much respect for Royalty to desire to see it made a subject for Grub Street songs.' (I did not say this so much on the P—— of W——'s account, as for the sake of the P——ss. I dreaded the other disclosures to which a business like this might lead.) The Duke turned away as if in thought, and I saw the same idea struck him; for after a moment's pause, he resumed his position, and answered, 'You are quite right, Lady Hester; by God! You are quite right; but what am I to do? We have gone too far: what am I to do?' 'Why, I think,' rejoined I, 'the best thing you can do is, to go and ask [Lord Eldon.]' So off he packed, and I fancy Mr. Perceval [Lord Eldon] and he talked it over, and decided on quashing the business. Why, Doctor, the papers were all printed, and it cost Mr. Perceval 10,000*l.* out of the secret service money to recover one copy which had been taken off his table."

But it has already been hinted that a most august

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the memoirs from which I quote. It is there, however, clearly a mistake of carelessness; since though Lord Eldon was Chancellor before and shortly after the time in which the conversation with the Duke must have been held, Lord Erskine must have been Chancellor when it was uttered. And, as Lord Erskine was one of the administration which instituted the delicate investigation, he would not have been consulted by those who wished to cast odium upon it.

personage seems to have been eager that the nation should not be deprived of the benefit of these interesting revelations;—that an angry father longed for the exposure of a graceless son.* Lord Eldon, therefore, as he possessed a considerable influence over the mind of the King, may be presumed to have been deputed to represent to him the opinion which had now been formed, as to the imprudence of publishing. His Majesty probably assented; for, changing his tack, he turned out the ministry on the pretext of their disposition to make concessions to their Roman Catholic fellow-subjects.

As Lord Eldon, who was in opposition, paid his visit to the king but a short time before the dismissal of the Grenville administration, he was naturally anxious to assure its members that the change, though after, had not been on account of, it. In 1813, the King was insane; yet, whilst he was living, his secrets could hardly be divulged by his Chancellor. But Mr. Perceval was dead; and it was then that Lord Eldon told Lord Grey the following history:—"I do assure you—you may believe it or not as you think proper—but I do assure you, that when I had the conference with the King in 1807, which I requested, it was solely for the purpose of representing to him what mischief might follow, if Perceval was not prevented

* Lord Brougham says of George III. that his eldest son "he hated with a hatred scarcely consistent with the supposition of a sound mind."—Statesmen of the times of George III. in Knight's weekly volumes.

from publishing the book which he was then bent on publishing."*

In the spring of 1807, when the Tory ministry were appointed, St. James's again unfolded its portals to the Princess. But between three and four years later fortune again deserted her; for the intellect of the old King, her father-in-law and protector, became incurably disordered. As the Prince, on being appointed Regent, retained the ministers of his father, he expected them to abandon the advocacy of his wife; and it must be confessed that his expectations were but little disappointed.

The Tory cabinet, in May 1812, was deprived, by the hand of an assassin, of Mr. Perceval, its chief. Shortly afterwards the Prince Regent gave a commission first to Lord Wellesley, and then to Lord Moira, to form a Whig administration. These over-

* Sir Samuel Romilly's Memoirs, vol. iii. p. 104. Lord Brougham says, in his sketch of Lord Eldon, in the edition of his statesmen comprised in Knight's weekly volumes: "The length to which his zeal is supposed to have carried him, of having a fierce attack on the Prince's conduct towards her printed at a private press, cannot fitly be dwelt upon here; because the whole passage has been confidently denied, and, how universal soever the belief was, confirmed by a copy or two of the work being preserved, so that the whole was afterwards reprinted, and openly sold, the share which Lord Eldon and Mr. Perceval were said to have had in the transaction has never been established by any decisive proofs." Lord Brougham gives no reference; and I have not been able to find the denial to which he alludes: for I presume it can scarcely be the passage quoted in the text, as this admits Perceval's desire to publish, and does disclaim Lord Eldon's *original* participation in the plan.

tures, in which the sincerity of the Prince has been confidently denied, proved abortive; for Lords Grey and Grenville rejected the conditions with which they were accompanied. Sir Samuel Romilly informs us that, during this negociation, Lord Eldon was every day closeted with the Duke of Cumberland; and adds, "we have even had the Duke of Cumberland coming down to Westminster Hall, and sending for the Chancellor out of court."*

In the early part of 1813 the Princess, dissatisfied with the increasing restraints which were imposed on her intercourse with her daughter, appealed to the nation by the publication of a letter: and it was soon afterwards that Lord Eldon, the Lord Chancellor, thus expressed to Lord Grey, his opinion respecting the Princess of Wales:—"My opinion is, and *always was*, that though not with child, she supposed herself to be with child."†

The depositions given in "the delicate investigation" were now again routed out, and were submitted to a committee of the Privy Council, together with a question whether it was proper, under all the circumstances, "that the intercourse between the Princess of

* Romilly's Memoirs, vol. iii. pp. 42—3.

† This opinion, of course, was expressed after the depositions, on which it had been formed, had been the second time laid before him, and probably after they were published to the world; for to promulgate an opinion, unfavourable to a party who had confidentially laid before him the evidence on which it was formed, in order to obtain his assistance in preparing a defence, would be conduct of which Lord Eldon was incapable.

Wales and the Princess Charlotte should continue, subject to regulations and restrictions." It was decided in the affirmative, with the support of Lord Eldon and Sir William Scott. On the 13th of March, the depositions against the Princess were very unfairly published by themselves in the ministerial newspapers; and, a few days later, the supporters of the Princess retaliated, by publishing "The Book,"* consisting of all the documents, on each side, connected with the delicate investigation, taken from what the advertisement states (and, as it is presumed, truly) to be a copy of the work printed in 1807, under the direction of Mr. Perceval.

I cannot help fancying, that, notwithstanding Lord Eldon now supported the Prince's side with the zeal of a proselyte, his original advocacy of that of the Princess somewhat jeopardized his seat on the Wool Sack; for Lord Yarmouth, a most intimate associate of the Regent, in this very month of March, sounded a friend, as to "whether Romilly would think it his duty to refuse the Great Seal if it were offered him, unless all his political friends formed part of the administration."†

* Entitled "The Book, or the Proceedings and Correspondence upon the subject of the Inquiry into the Conduct of Her Royal Highness the Princess of Wales. Richard Edwards. London, 1813."

† Romilly's Memoirs, vol. iii., p. 90. The passage which I have just quoted has reminded me of an anecdote which I long ago heard from one intimately acquainted with Lord Eldon's history. The Prince Regent, having been assured by Sheridan that Lord Eldon's services could be dispensed with, was on one occasion led into adopting a somewhat insulting tone of language to the Chancellor, while

And it should be remembered, that Romilly was the Prince's adviser at the time of the delicate investigation.

The Princess of Wales availed herself of the peace of 1814, to leave the land of her disappointments and humiliations. Henceforward she sojourned on the continent, till the crown devolved on her husband; when, with a reputation irretrievably tarnished, she returned to England to claim her share of the regal honours of her consort. With the history of the bill of pains and penalties against her, it would be superfluous to proceed; although, in the House of Lords, at its introduction and withdrawal, Lord Eldon presided as Chancellor. It may be mentioned, however, that his opinion of her conduct was then most unfavourable; and that, amongst his familiar friends, he did not hesitate to designate her by a term, preceded by an expletive, both of which would, in print, be best expressed by a couple of dashes.

At the instance, and by the favour, of George IV., the Chancellor was, at the coronation, in 1821, elevated to the dignity of an earl.

The year 1825 commenced with a fever of speculation in mines and railroads. The Earl of Eldon regarded these investments with the distrust which

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Sheridan remained within hearing, in the next room, to enjoy the joke. The arrangement contemplated by Sheridan could not be effected. The Prince was, therefore, compelled to apologise to the Chancellor, and beg him to continue in office. My informant added, that Sheridan never regained that station in the Prince's favour which he then lost.

might be expected from one of his caution and experience. Of this there is evidence in the following letter, written to his brother-in-law, and *quondam* schoolfellow, Mr. (William) Surtees.

"Jan$^{y.}$ 1, 1825.

"Dear Surtees,

"I avail myself of the Opportunity to send you back the enclosed, which the Duty of expressing on this day to you and my Sister all the good wishes, which a new Year's day can suggest, affords me. I hope it may be distinguished by better weather and Skies less inclement than the departed year, 1824. We had Gusts of Wind last Night, that rivalled Thunder in Noise, but I don't find that they have done Mischief.

"To-day has brought us a draw-back Account of dear Matt*—What an excellent creature his Wife appears to be!

"As to Rail Roads, and all the other Schemes, which Speculation, running wild, is introducing, I think Englishmen, who were wont to be sober, are gone mad—Money is so plentiful that they are throwing it away—and, if Things go on long as they are now going on, Money will bear no Interest.

"With Love of both to both of you,

"Y^{rs} aff$^{ly.}$

"ELDON."

* The Rev. Matthew Surtees, Prebendary of Canterbury, and brother of Lady Eldon.

In the spring of 1827, on the accession of Mr. Canning, the chief of the advocates for Roman Catholic Emancipation, to the office of premier, which had been vacated through the paralysis of Lord Liverpool, the Earl of Eldon, being in his seventy-sixth year, resigned the Chancellorship, and was succeeded by Lord Lyndhurst.

And here it may be mentioned that, after having, at each returning Christmas during the greater part of his life, had his larder crammed with presents of game and poultry, from those bound to him in friendship or gratitude, on the Christmas which followed his resignation, Lord Eldon received not one of the accustomed remembrances.* This, trifle as it was, I have been assured, he observed and felt. Any circumstance, indeed, occurring to an old man, which shall add to those suspicions of the disinterestedness and gratitude of mankind too natural to age, is much to be regretted—and more for his own sake than that of others.

* One friend, however, had sent him a turkey from Norfolk: but, by a strange coincidence, the coach by which it was sent was robbed.

CHAPTER VI.

As the last two chapters took but slight notice of Sir William Scott, this chapter shall open with a continuation of his history.

It will be remembered* that, in the latter part of the eighteenth century, Sir William Scott was appointed judge of the Bishop of London's Consistorial Court, and then judge of the High Court of Admiralty, both of which situations he continued for a long period to fill, alike to his own honour and the advantage of his country. Nor will it have been forgotten that, at the commencement of the nineteenth century he was elected to parliament as representative of that university which once as a tutor and professor he had instructed and adorned. The learned constituency of Oxford is not in the habit of withdrawing the confidence which it has once reposed, and our civilian retained this honourable seat till his elevation to the peerage.

* See the latter part of the third chapter.

On the 4th of September, 1809, Sir William Scott experienced the loss of his wife, and, between three and four years afterwards, most inauspiciously was he induced to attempt to fill that void which her death had left in his domestic affections.

Strange are the circumstances which preceded and produced his second marriage. They shall, therefore, be related, though they will involve the episode of the early adventures of the late Marquis of Sligo.

Howe Peter Browne, second Marquis of Sligo, then hardly twenty-two years old, and freshly imbued with the associations of a classical education, was, in 1810, making the tour of the Mediterranean. He had formed the laudable project of visiting Greece* and its islands,—laudable, if in its execution he had not been tempted into transgressing the dictates of patriotism and of honour. At Malta he hired a brig; he was anxious to man it with a good crew; and hence he seduced, or suffered his servants to seduce, two picked seamen from a king's ship to his own, and that (be it remembered) at a time of war; and, when they were demanded by a naval captain, denied that they were in his vessel. For this, his offence, he was called, as a criminal, to answer in a court of justice.

Over crimes committed at sea the Lord High Admiral, or his judges, would, in an early period of our history, have exercised an exclusive jurisdiction. But, as juries were unknown to the Court of Admiralty, the liberty

* At Athens he met his old fellow-collegian, Lord Byron, and with him travelled as far as Corinth.—*Galt's Life of Byron*, p. 155.

or life of the subject could thus be sacrificed without the judgment of his peers. This infringement upon the spirit of the constitution, was rectified by statutes which directed that crimes perpetrated upon the sea should be tried by jury before commissioners appointed under the Great Seal.

On the 16th of December, 1812, such commissioners assembled in the court-house at the Old Bailey for the trial of the young marquis. In these commissions the Lord High Admiral, or his judge, was necessarily placed, and it was usual to include in them two common law judges, and several civil lawyers, besides the judge of the Admiralty. The most distinguished members of the present commission were Lord Chief Justice Ellenborough, and Sir William Scott. Amongst the spectators on the bench was the Duke of Clarence.

At the commencement of the trial the counsel for the marquis stated that his lordship was anxious to plead "guilty" as to part of the indictment, and "not guilty" as to the rest; but Lord Ellenborough sternly answered, "The indictment must not be garbled. He must plead guilty to the whole, or not guilty to the whole." On this Lord Sligo pleaded "not guilty."

The evidence was then heard—Lord Ellenborough summed up for a conviction—the jury gave a verdict of "guilty."

On the following day Mr. Scarlett, one of the counsel for the defendant, stated to the court that it had been no wish of his client to justify his proceedings by the plea which he had offered;—that he had desired to plead guilty, but that his intention had been overruled by his professional advisers, who thought that he

could not with propriety plead guilty to all the counts in the indictment.

It then only remained to pass sentence. This duty devolved on Sir William Scott, who thus addressed the distinguished prisoner:—

"It now becomes my painful duty to affix the penalty, which, on the result of a laborious inquiry, the country expects as a reparation for its violated laws. It is unnecessary for me to dwell on the magnitude of the offence; on the incalculable mischief which it might produce to the public safety; or on those unworthy practices without which the criminal purpose could not have been effected—practices, as adverse, no doubt, to the nature of your lordship's present disposition, as they are to those principles of honour which elevated rank ought to generate. Your lordship's exalted rank and ample fortune made your country expect from you a conduct equally dignified. Unfortunately, in the folly and indiscretion of youth, you have been betrayed into a forgetfulness of what you owed to your country and to yourself: you have perverted the great advantages which you possessed, to withdraw your inferiors from their duty, thereby exposing them to punishment, and weakening the defence of your country; and in the prosecution of your design your lordship has descended to practices of dissimulation and deceit. It is unnecessary for me to express my own sentiments on this subject; sentiments, which, no doubt, are equally felt by your lordship. It will become the duty of your lordship to make the effects of these sentiments visible in your future life, and to endeavour to efface the memory of these transactions by an ardent devotion to the ser-

vice of your country, and by an application of all your efforts to its safety, prosperity, and glory. Though these may be the feelings and intentions of your lordship, yet the country expects that you should receive such an admonition as may operate for a useful example, and which may confirm that boasted principle of the English constitution—that no rank, however high, —no fortune, however ample,—no regrets, however severe, can prevent the due administration and enforcement of justice.

"The sentence, therefore, of the court is, that your lordship shall pay to the king a fine of 5000*l.* and be imprisoned four months in Newgate."*

The Dowager Lady Sligo, widow of the late Marquis of Sligo, and daughter and co-heiress of the distinguished Admiral Lord Howe, had, during the two days occupied by the trial, remained shut up in her house† in London, grieving at the punishment which seemed

* Evening Mail of Friday, 18th Dec. 1812.

† It has been often stated that the Dowager Lady Sligo took a seat on the Bench in order to witness the result of her son's trial; and that, charmed with the majestic eloquence and courtesy of the judge, she passed to him in court a slip of paper on which she had written how happy she should think it for her son, could he but continue to have the advantage of such paternal counsels. This version of the story I adopted in the article on the subject of Lords Stowell and Eldon which I contributed to the New Monthly Magazine of January 1846. Subsequent inquiry, however, from well-informed sources, has convinced me that it was the mere invention of the wicked wags of town, who delighted in casting ridicule on the marriage of Sir William Scott and Lady Sligo. I regret my want of caution the more, as I find that Mr. W. C. Townsend, (whose interesting lives of the judges have been published within the course of the

impending over her son. A few hours after his condemnation, she received a note from the young Marquis, written from the rooms assigned him in his prison: it stated that he thought the sentence itself to be a severe one; but that it was so kindly expressed by Sir William Scott, that "he felt it as coming from a conciliatory father, rather than from a severe judge."

Shortly afterwards Sir William Scott called on Mrs. Howe, an aunt of the Marchioness and friend of his own. To this lady he expressed great sympathy for the distress of the mother, and added that he should be anxious to pay his respects to her in person, and to assure her of his commiseration for the wounds, which, in the discharge of his duty, he had been the instrument to inflict upon her feelings. He had not previously been acquainted with Lady Sligo: but an intimacy between them rapidly grew up. And her ladyship is said to have hinted to the civilian how fortunate she should think it for her son, if he could but continue to have the advantage of such paternal counsels as his.

As for Sir William Scott,

> He, on the other hand, if not in love,
> Fell into that no less imperious passion,
> Self-love—which, when some sort of thing above
> Ourselves, a singer, dancer, much in fashion,
> Or duchess, princess, empress, "deigns to prove"
> ('Tis Pope's phrase) a great longing, though a rash one,
> For one especial person out of many,
> Makes us believe ourselves as good as any.

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week in which I am adding this note) has paid me the compliment of incorporating into his Life of Lord Stowell the history given in the New Monthly Magazine of the trial and the subsequent marriage.

Well, however, they were married, Lady Sligo* and the judge who won her heart through condemning her son. The marriage took place on the 10th of April, 1813, immediately on the expiration of the term of imprisonment of the young Marquis. Lord Eldon augured ill of the engagement, and would not sanction the wedding with his presence. The Marchioness perhaps had not the temper likely to render her introduction into any family an accession to its happiness. And Sir William Scott, whatever had been his disposition, might perhaps have been soon called to practise those lessons of domestic patience and forgiveness which, from the consistorial chair, he had taught so eloquently to others.†

But a comparison of the tastes and feelings of the married pair must have disclosed obvious elements of peculiar discord. The disposition of Lady Sligo was generous; while that of Sir William Scott had become grasping as well as parsimonious. The husband, therefore, would view the expenditure of the wife with displeasure; while the wife, losing the esteem which the high talents and insinuating address of the husband had at first inspired, would regard with contempt the littleness of his character. Sir William Scott, delighting

* The difference of age between them was very considerable; Lady Sligo being then in her forty-sixth year only.

† See the case of Evans v. Evans, in Haggard's Consistory Reports, vol. i. p. 35; in which the reciprocal duties and interests of the married state, and the ingredients likely to disturb its tranquillity, are pointed out with an admirable union of tenderness and penetration.

in society of which he was one of the brightest ornaments, seldom partook of a dinner at home or returned there otherwise than late at night. Lady Sligo, on the contrary, having been for many years of her life the nurse of a sick husband (for such was the late Marquis), was weaned from society, and rarely could be induced to dine out of her own house.

Sir William Scott removed from Doctors' Commons to his wife's house in Grafton-street;* and, ever economical in his domestic expenses, brought with him his own door-plate, and placed it under the pre-existing plate of Lady Sligo, instead of getting a new door-plate for them both. Immediately after the marriage, Mr. Jekyll, so well known in the earlier part of this century for his puns and humour, happening to observe the position of these plates, condoled with Sir William on having to "*knock under*." There was too much truth in the joke for it to be inwardly relished. And Sir William ordered the plates to be transposed. A few weeks later Jekyll accompanied his friend Scott as far as the door, when the latter observed, "You see I don't knock under now." "Not now," was the answer received by the antiquated bridegroom, "*now* you *knock up*."†

* Lady Sligo, at a later period, purchased a house in Cleveland Row, looking into the Green Park; and to that herself and her husband removed. After Lady Sligo's death, Sir William Scott returned to the house in Grafton-street which had been settled on him for life.

† The anecdote just mentioned, is given by Mr. Twiss, vol. ii., c. xxxv. p. 238; but I have not followed him, preferring my own recollection of it.

The matrimonial infelicities of Sir William Scott and Lady Sligo were not of long duration. In the summer of 1817 she proposed to her husband a trip to Paris; being anxious to show that metropolis to a favourite niece. Sir William threw no impediments in the way of the departure of the ladies; but declined accompanying them on the plea of business. Not long, however, after the Marchioness and her niece had crossed the channel, he himself started off for Switzerland. While the husband was making the tour of lakes and mountains, the wife, with her young relative, proceeded to Amsterdam. Here, having caught a violent cold in seeing a castle in the neighbourhood, Lady Sligo expired on the 26th of August, after a few days' illness. Sir William Scott continued in Switzerland some weeks after the intelligence of his wife's death had reached him!

Little occurred, henceforward, to disturb the tranquillity of Sir William Scott till he was overtaken by the infirmities of extreme old age.

In July, 1821, on the coronation of George IV., he was, in reward of his long and eminent judicial services, raised to the peerage as Baron Stowell; and, in the following August, he resigned the chair of the Consistorial Court of London; though he continued to retain that of the Court of Admiralty.

Several years later Lord Stowell visited Jersey for a few days, in order to make some inquiries respecting its laws. The Channel Islands are in the diocese of Winchester: and the mission of our civilian, perhaps a private one, may not improbably have been to investigate their ecclesiastical jurisdiction.

In 1823, Lord Stowell's daughter, Mrs. Townsend, then a widow, was married to Lord Sidmouth. For his new son-in-law Lord Stowell had a great esteem; and loved to display his comic vein in talking of him in spite of his years, as "his boy:" thus he would say, "my boy and I are going to dine together to-day."

In December, 1827, Lord Stowell having commenced his eighty-third year, and finding that it was hopeless to contend any longer against the advances of age, vacated the judgment seat of the Court of Admiralty, where he had presided twenty-nine years.

In the following summer, at the house of Lord Sidmouth, Sir Walter Scott dined in company with the venerable peer, and thus commemorates his powers and their decay: "Here I met my old and much esteemed friend, Lord Stowell, looking very frail, and even comatose. *Quantum mutatus.* He was one of the pleasantest men I ever knew."*

Henceforward the life, or rather existence, of Lord Stowell—

—nil jam cœlestibus ullis
Debentem—

ceases to be a subject for biography.

The decline, though at first gradual, soon becomes rapid. The body, blind, and borne down by infirmities, is hastening to its home. The mind has already departed. But let us draw back with reverence, nor curiously pry into the ruins of a temple once glorious in the presence of so bright an intellect.

* Entry in his diary for the 24th of May, 1828.—*Lockhart's Life of Sir Walter Scott,* vol. vii. p. 135.

He died on the 28th of January 1836, in his ninety-first year.

Lord Stowell's early necessities had taught him habits of prudence; and he adopted and recommended the maxim, "that decent frugality is the parent of wealth." As he was a very careful, so he became a very rich, man. He had loved in later life to say that he admired, above all other investments, "the beautiful simplicity of three per cents;" and at his death he left personal property exceeding 200,000*l.* When adding field to field, and purchasing other estates around his own, he observed, that "he liked to have plenty of elbow-room;" and ample became the domain of him whose wants are now confined to the earth which he measures.

There is a story current of him in Newcastle, that, when advanced in age and rank, he visited the school of his boyhood. An old woman, whose business was to clean out and keep the key of the school-room, conducted him. She knew the name and station of the personage whom she accompanied. She naturally expected some recompense—half-a-crown perhaps,—perhaps, since he was so great a man, five shillings. But he lingered over the desks, and asked a thousand questions about the fate of his old school-fellows. And as he talked her expectations rose—half-a-guinea—a guinea—nay, possibly (since she had been so long connected with the school, in which the great man took so deep an interest) some little annuity! He wished her good-bye kindly; called her a good woman; and slipped a piece of money into her hand. It was a sixpence!

Before, however, we form a harsh judgment of Lord Stowell's character from such a story as this, we should pause to reflect, that, though no one else of his rank or fortune would on such an occasion, have given so small a sum, yet the sixpence which the old woman received, in no other way could she have earned so easily. He had considered her station, it was his own he had forgotten.

But the memory of Lord Stowell claims the impartial judgment which he gave to others. Notwithstanding, then, that his notions regarding domestic economy, if not alien to the station from which he sprang, were unsuited to that to which he rose, and that he regulated his household expenses with little correspondence to the war establishment of a nobleman or gentleman of fortune, yet William Scott, the friend of Johnson, was far from a man *naturally* mean.

Nurtured in a mercantile town, himself the son of a merchant, he had seen that fortune was inconstant, and riches had wings; he had, therefore, to provide against the future. He had been ill-advised in extensive investments;* he had, therefore, the past to redeem.

I have heard that, when he was a fellow of University College, an anonymous donation was received for some specific purpose connected with that foundation;

* It may be recollected that he lost some money in his early shipping speculations. At a later period, during the French war, he made a most unprofitable purchase of an extensive property in Gloucestershire, at the recommendation, it has been said, of his friend and solicitor, Mr. Richard Wilson. It is believed to have afterwards returned him scarcely one per cent. on the outlay.

on which, it was said in the common room, that it must have been sent by William Scott, as there was no one else likely to do so generous an action. And, though in his early letters, there is ample and ever-recurring proof that he was even then very thoughtful about money, there appears no trace of conduct or sentiment intrinsically mean. On the contrary, they contain traits of delicacy, of consideration, and even of liberality.

Possibly, as life advanced, Lord Stowell might, in the matter of accumulation, have felt towards Lord Eldon some degree of rivalry; and, though the struggle, there too, proved vain, might have been unwilling that his youngest brother should beat him also in that. But, be the cause what it may, a change took place more lamentable than rare; and the prudence of youth was lost in the avarice of age.

Lord Stowell was a great eater. As Lord Eldon had, for his favourite dish, liver and bacon, so his brother had a favourite quite as homely, with which his intimate friends, when he dined with them, would treat him. It was a rich pie, compounded of beef-steaks and layers of oysters. Yet the feats which Lord Stowell performed with the knife and fork, were eclipsed by those which he would afterwards display with the bottle. And two bottles of port formed with him no uncommon potation. By wine, however, he was never, in advanced life at any rate, seen to be affected. His mode of living suited and improved his constitution; and his strength long increased with his years.

The countenance of Lord Stowell was intelligent and benign; but his personal appearance was much

inferior to that of Lord Eldon, and presented the disadvantages of a slovenly toilet, and time-worn clothes.

With the peculiarities of the undistinguished herd of men, the public can have no concern and little curiosity; but in the case of such a man as Lord Stowell, who has rendered the Admiralty and Ecclesiastical Bench so distinguished for elegance and depth of learning, and has stamped an image of his own mind on the international jurisprudence of the world, the public, in return for the immortality conferred by its approbation, has a claim to be made acquainted with characteristic details of habits and deportment. It has a right to learn that the hand, which could pen the neatest of periods, was itself often dirty and unwashed; that the mouth, which could utter eloquence so graceful, or such playful wit, fed voraciously, and selected the most greasy food; and that the heart, which contained so much kindliness and honour, was generally covered with a tumbled frill and soiled shirt.

The curiosity of Lord Stowell was remarkable: there was no subject above or beneath his interest. Superior to the pedantry or bombast which disdains common sources of instruction and amusement, he was the most indefatigable sight-seer in London. Whatever show could be visited for a shilling or less, was visited by Lord Stowell. And the author of this sketch has been assured by a friend that his father had seen him, after his elevation to the peerage, coming out of one of the penny show-rooms in the streets of London.

The following anecdote has also been told of Lord Stowell: In the western end of Holborn, there was a room generally let for exhibitions. At the entrance,

Lord Stowell presented himself, eager to see "the green monster serpent," which had lately issued cards of invitation to the public. As he was pulling out his purse to pay for his admission, a sharp, but honest, north-country lad, whose business it was to take the money, recognised him as an old customer, and, knowing his name, thus addressed him: "We can't take your shilling, my lord; 'tis t' old serpent, which you have seen six times before in other colours; but ye shall go in and see her." He entered; saved his money; and enjoyed his seventh visit to the painted beauty.

For table-talk Lord Stowell had a high reputation. At dinner, when surrounded by an "audience, few, but meet," he was one of the most agreeable of men. His mind was remarkable for its quickness; and hence, he was capable of giving sudden and very pleasing turns to conversation. His humour was dry; his language was terse; he would say much in few words. His memory, enriched with the spoils of all ages, was tenacious and ready. At times, therefore, he would exhibit vast stores of learning; and, in a very agreeable way, would unexpectedly throw historical illustrations on the subject of discourse. His classical quotations, often humourously applied, were always effective. He was a frequent and honoured guest at the table of Dr. Howley, both when Bishop of London and Archbishop of Canterbury; and here, whether in the polite or profound scholarship of his host—himself also at one time an Oxford Fellow and a tutor—he would feel the inspiration of kindred sympathies. But to a lawyer, the greatest of all conversational treats was to meet Lord Eldon and Lord Stowell together in a friendly

dinner-party of lawyers. Here, sure of deference and appreciation, each brother would playfully unbend after the labours of the day; talk one against the other; and narrate alternately professional anecdotes.

The volatile ethereal essence of fine conversational wit can never be conveyed faithfully to print. You might as well attempt to represent Ariel on the stage, as to transfer to paper the spirit of a *bon mot*.

Having attempted to cover myself by this protest, I shall now proceed to jot down for the reader one or two of the sayings of Lord Stowell.

On some occasion, when he had been worn out by a plague of clergymen, requesting his assistance in a parliamentary measure which promised to affect their interests, he ejaculated, "Those parsons! I shove them out by barrows-full!"—A miserable little cur ran barking after him furiously, "Ah!" he exclaimed, "get along with ye, *vox et præterea nihil!*"—Amongst the advocates in Doctors' Commons was a fat little fellow, as *round* as a ball, whom his friends sometimes laughed with, and sometimes at. This worthy gentleman had been jammed by a cart against a wall, and seriously hurt. The first time after the accident that Lord Stowell saw his strange figure, looking stranger than ever from his arm being in a sling, he congratulated him on his convalescence, and declared how glad he was to see him "looking *totus teres*."—Meeting Sir Henry Halford in society, he took occasion to ask a question respecting the management of his own health. Sir Henry, knowing his man, and thinking the question would (to use a lawyer's phrase) carry a fee, made, with malice prepense, the resolution to evade it, and there-

fore answered, "A man's health is generally in his own keeping: you know the old saying, that at forty every man is either a fool or a physician." "May he not be both, Sir Henry?" replied Lord Stowell, with an arch and pointed smile. But here Lord Stowell had met his match. The physician had his revenge; for, some one mentioning to him that the *bon vivant* peer was "complaining of his bowels," he drily answered, "Then he is the most ungrateful man upon earth."

The domestic life of Lord Stowell, was amiable:* and, in spite of his negligence in attending public worship, he bore the reputation of a sincere Christian, and a conscientious member of the church of his country.

His parliamentary career was little distinguished: and all that need be said of it has been collected by the research of Mr. Townsend.† He was too timid, too

* As no descendant of Lord Stowell survives to be pained by the disclosure, we are bound to make one exception in this praise, and to mention a misconduct, which brought, alas, its own retributive punishment. William Scott, his only son who grew to manhood, had formed an attachment that was unexceptionable. His father would not make him a sufficient allowance to enable him to marry. The intemperate habits of the son increased under the disappointment; and he died of a broken constitution about two months before his father.—The title of Lord Stowell is extinct: the riches, which he had heaped up, are gathered by collateral relatives!

† No. xxxiii. of the *Law Magazine*, where is a life of Lord Stowell, to which reference has already been made. It may here be remarked that, in opposition to a motion made by Mr. Grattan, that several petitions from the Roman Catholics of Ireland be referred to a committee, Sir William Scott made a speech in the House of Commons on the 25th of May, 1810. It is reported in the first person in vol. xvii. p. 182, of Handsard's Debates, and bears considerable appear-

sensitive for his reputation, too fearful of the press, to make a great debater. Nor had he the fervid vehemence, *ingentis Demosthenis arma*, requisite for carrying along with him a popular assembly. Hence, to the courts over which he presided were, for the most part, confined the graces of his eloquence; and the private circle of his friends was alone delighted with the exuberance of his wit.

Over-estimating the dangers of change, he had more than the conservatism of a Tory. Yet, having declared himself hostile to excommunication, as a mode of enforcing the payment of costs incurred in the ecclesiastical courts, he was so pressed by Sir Samuel Romilly to bring in a bill that should correct this deformity in the law, that he could not but consent.* When he was drawing the act,† a deputation of proctors waited upon him, to request that he would ingraft some prohibitions, calculated, as they represented, to raise and purify their own branch of the profession. Sir William Scott, when informed of the object of the interview, thus drily addressed the spokesman: "So, now that I've got out my cart, you want to load it with your dirt, do you?" He agreed, however, to introduce the matter desired, and it now forms the eighth clause in the act.

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ance of being either contributed, or corrected, by its author. The reader will not fail to recognise here the pervading neatness, delicacy, and polish of expression which distinguished the productions of this finished master of composition.

* Hansard's Parliamentary Debates, vol. xxi. p. 310, and vol. xxxiii. p. 806. Sir Samuel Romilly's Memoirs, vol. iii. p. 6.

† Afterwards known as that of 53 George III., chapter 127.

This is not the place to discuss the legal merits of Lord Stowell's judgments; but there is no one so ambitious of eccentricity as to deny them excellence of the highest order. The statesman, in the Admiralty,* the moral philosopher, in the Consistory† Court, will find his own more appropriate instruction; while the scholar, who may turn to the reports of Lord Stowell's decisions in either court, will admire the inimitable felicity of the language on which his judicial thoughts are winged, and acknowledge that his diction has been formed on the purest models of ancient and modern elegance.

Of Lord Stowell, it has been said by Lord Brougham,‡ that " his vast superiority was apparent, when, as from an eminence, he was called to survey the whole field of dispute, and to marshal the variegated facts, disentangle the intricate mazes, and array the conflicting reasons, which were calculated to distract or suspend men's

* The judgments of Lord Stowell in this court will be found in the Admiralty reports of Drs. Robinson, Edwards, Dodson, and Haggard. His judgment in the case of the ship " Juliana," in Dodson's Reports, and that in " Ealing Grove," in Haggard's Reports, however high their merits, were not very popular amongst the mercantile body. That on " the slave Grace," also in Haggard's Reports, encountered more extended dissatisfaction.

† The judgments of Lord Stowell here will be found in Haggard's Consistory Reports, and Phillimore's Ecclesiastical Reports, which latter contains also the judgments of Sir John Nichol, who flourished contemporaneously with Lord Stowell, and occupied the chair of the three courts of the Archbishop of Canterbury; namely, the Court of Arches, and that of Peculiars, and the Prerogative Court of the See of Canterbury.

‡ In the notice of Lord Stowell in the " Historical Sketches of Statesmen of the Time of George III."

judgment." And he adds, that, "if ever the praise of being luminous could be bestowed upon human compositions, it was upon his."

Qualities, then, high and various, such as his judgments possessed, it would be idle to hope to convey by mere extracts; yet with one brief extract shall this chapter be concluded.

The ecclesiastical judge is considering whether coffins of iron, or other very durable material, shall be admitted into our churchyards; and, if so, whether at the same burial fees as those of wood.

"It has been argued,"* he observes, "that the ground once given to the body is appropriated to it for ever—it is literally in mortmain unalienably,—it is not only the *domus ultima*, but the *domus æterna* of that tenant, who is never to be disturbed, be his condition what it may—the introduction of another body into that lodgment at any time, however distant, is an unwarrantable intrusion.—If these positions be true, it ceatainly follows, that the question of comparative duration sinks into utter insignificance.

"In support of them it seems to be assumed, that the tenant himself is imperishable; for, surely, there can be no inextinguishable title, no perpetuity of possession belonging to a subject which itself is perishable. —But the fact is, that '*man*' and '*for ever*' are terms quite incompatible in any state of his existence, dead or living, in this world. The time must come '*ipsæ*

* Gilbert v. Buzzard.—Haggard's Consistory Reports, p. 351; in which case he decides that iron coffins are admissible, but that the difference of the duration of coffins ought to make a difference in the terms of their admission.

periere ruinæ,' when the posthumous remains must mingle with, and compose part of, that soil in which they have been deposited. Precious embalments and costly monuments may preserve, for a long time, the remains of those who have filled the more commanding stations of human life; but the common lot of mankind furnishes no such means of conservation. With reference to them, the *domus æterna* is a mere flourish of rhetoric; the process of nature will speedily resolve them into an intimate mixture with their kindred dust; and their dust will help to furnish a place of repose for other occupants in succession."

CHAPTER VII.

HAVING paid a respectful but honest tribute to the genius, and bade a last farewell to the Manes—*magna imago*—of the classic Lord Stowell, we have now only to survey the latter and concluding portions of the life of his brother.

In a previous chapter we have followed to its close the protracted chancellorship of Lord Eldon. Let us now, therefore, pause a moment to reflect on the disposition of his official patronage.

Though Sir Samuel Romilly has remarked that Lord Eldon, in making the higher legal appointments, would allow neither private feelings, nor even public interests, to prevail over party motives,* yet his Masters in Chancery present two instances of promotions arising from mere personal considerations. These exceptions are afforded by Masters Francis Cross and James William Farrer; the history of whose appointments shall now be related.

Mr. Cross, in the year 1800, was admitted a student

* Memoirs, vol. iii. pp. 102, 103.

of Lincoln's Inn, where, in 1807, he had kept a few terms only. At this period he relinquished all notion of following the legal profession, and withdrew his name from the books of his Inn of Court. He next figured in the Somersetshire militia, in which he attained the rank of captain. And then, exemplifying the French song,

Et l'on revient toujours
A ses premiers amours,

was at the commencement of 1811, at the age of twenty-nine, re-admitted at Lincoln's Inn, in order to keep his remaining terms. During his second studentship, he was introduced to Lord Eldon at the table of one of Lady Eldon's brothers;* and having had, in the mean time, the good fortune to amuse and please both the Chancellor and his lady by the sprightly ease of a manner and address formed in the intercourse of military society, was, in 1813, called to the bar.

It will be recollected, that in the spring of 1815, during the brief interval of peace which preceded the return of Napoleon from Elba, a bill was passed which

* Mr. Townsend, in his valuable publication of the collected lives of the judges, which has just appeared, has referred to my sketches in the New Monthly Magazine as his authority for this anecdote which he has introduced in his second volume at p. 433. He has, however, committed the mistake of saying that Mr. Cross made the acquaintance of the Chancellor at the table of "one of Lord Eldon's brothers:" whereas the reader must know that, since his elevation to the chancellorship, Lord Eldon had no surviving brother but Lord Stowell. The fact was, that the introduction took place at the house of Lady Eldon's brother, William Surtees, who had himself met Mr. Cross in Somersetshire, at the seat of Sir John Cæsar Hawkins. Such are the chances which make or mar men's fortunes!

increased the restrictions on the introduction of foreign corn. So unpopular was this measure with the poorest classes, that its progress through parliament was accompanied by riots. It happened that, on the evening of the 6th of March, Mr. Cross was passing near the residence of Lord Eldon, then the centre house on the east side of Bedford-square, when the mob was beginning to attack it, under the supposition that its occupant was a supporter of the bill. Mindful of the preservation of one, whom he already regarded as his patron, Mr. Cross, with a boldness and alacrity which reflected credit upon the Somersetshire militia, determined to relieve the garrison; and, passing the lines of the besiegers, threw himself into the house. He there seized the treasures which the Chancellor most prized—Lady Eldon and the Great Seal—and conveyed them safely, one on each arm, by the back of the house into the garden of the British Museum, just before the mob broke into the very room from which they had been withdrawn.

Five or six years afterwards, when a mastership in Chancery was vacant, Lady Eldon pressed upon her husband to remember this timely service; and Mr. Cross received the appointment. I have been assured that Lord Eldon, at a later period said, "The only legal appointment which I regret having made, is that of Frank Cross; and that Bessie got from me." Not, indeed, that Mr. Cross evinced absolute incompetence for the situation; but chiefly, it is presumed, that his professional standing did not justify the appointment; and that his advancement could not be laid upon the importunity of political connexion. That the ground

of the regret was no diminution of regard for Mr. Cross, there cannot be a stronger proof than the fact, that the Earl afterwards appointed him one of his executors.

With regard to the appointment of Mr. Farrer, there is a longer story to be told. The Honourable John Scott,* the elder of Lord Eldon's two sons, who arrived at manhood, married Miss Ridley, in 1804; and, in the following year, had issue the present Earl of Eldon. The month, which saw the birth of the son, saw the death of the father.

But time rolled on; and, in 1811, the widow became the wife of Mr. Farrer. Mighty was the indignation of Lord Eldon;† and for years afterwards he refused to see his daughter-in-law.

Now let us see what story Mr. Twiss has been told about this marriage. He says that the present Earl of Eldon writes in the following terms:—"My Grandfather objected to this marriage, not on personal grounds; but stating himself to be averse to '*vota iterata*,' to second marriages: curiously, perhaps, for he himself was the offspring of a second marriage."‡

So, according to the present Earl, to object to the

* To the amiable qualities of this gentleman a brief tribute has been paid in a note in the early part of the fourth chapter. His brother, William Henry John Scott, died unmarried, in 1832, at the age of thirty-seven.

† In justice to the late Lord Eldon, as well as to Mr. and Mrs. Farrer, the following passage, alluding to this marriage, must be quoted from Mr. Twiss's work (vol. ii. ch. xxxii. p. 178), "after the event, however, the lapse of time, and the unexceptionable conduct of the parties, gradually obliterated these impressions."

‡ Twiss, vol. ii. ch. xxxii. p. 178.

marriage of his daughter-in-law, he must virtually reflect upon that of his parents;—to gather stones to throw at the living, he must violate the graves of the dead!

But I am enabled to afford the present Lord Eldon the gratification of learning that this is unnecessary. And, as he—the son of Mrs. Farrer—was obviously the last person in the whole world with whom his grandfather was likely to talk over the grounds of his objection, any misapprehension which he may have made on this subject will readily be forgiven. My own version, I received many years ago from one* most intimately acquainted with the private opinions of the Chancellor.

The late Lord Eldon maintained (and Lady Eldon agreed with him) that a woman (and they applied the rule to a woman only) ought not to submit herself to a second marriage. So high was the standard entertained by that couple, so long and so happily united, of the modesty and constancy of the softer sex!

The argument so eloquently addressed to the widowed Queen of Carthage, though it have less of romance, may have more of philosophy:—

> Solane perpetuâ mœrens carpere juventâ;
> Nec dulces natos, Veneris nec præmia noris?
> Id cincerem aut manes credis curare sepultos?

But what I am now stating is the ground of objection, and not the soundness of it. And as the Chancellor's objection related only to a woman marrying again, and as his own mother was not married twice—though his father was, and he was the son of the second mar-

* Lady Eldon's brother, Mr. William Surtees.

riage of his father—this attempt at the application of the *argumentum ad hominem* fails for want of regarding the difference between the sexes.

Now, in 1824, many years after this marriage, when Lord Eldon's displeasure was considerably mollified, Mr. Farrer, who was at the bar, became very anxious to obtain a mastership in Chancery: he made what interest he could for it; and he did obtain it, but chiefly (for it is the first reason put forward in the letter to Mr. Farrer notifying his appointment) through Lord Eldon's "recollection of what passed, during a very interesting part of his own life, of kindness towards him on the part of his (Mr. Farrer's) father and uncle."*

To this I would call the attention of Mr. Twiss—for I trust that the last edition of his work has yet to appear—with a view of informing him of the fact (of which he does not seem to be aware) that the father and uncle of Mr. Farrer were amongst the solicitors in London who early gave Lord Eldon business in his profession; and of pressing upon him that, if from the present generation of that family he can obtain any traditions as to Lord Eldon's mode of conducting business when at the bar, he will be enabled to fill up a void in all the existing biographies of the Chancellor.

To remind a Lord Chancellor of the time when he was an unknown barrister, when a brief or two given or withheld would have been enough to keep him in London or banish him to a remote province—so evenly, at one period, hung the scales of Fate—would have been

* Twiss, vol. ii. ch. xlvi. p. 502.

a difficult, perhaps a somewhat indelicate matter, for one ambitious of a place—the son of an attorney who had given him business. The delicate mission of hinting to Lord and Lady Eldon this early obligation was assigned to, and accepted by, another; and in the end, as we have seen, Mr. Farrer was appointed.

The following anecdote is not without professional humour. A barrister applied in person for a mastership in Chancery. The Chancellor shrugged his shoulders portentously, and answered, "I am engaged double, treble, quadruple, quintuple, nay, sextuple deep; but I shall be happy to give you a silk gown." "No," replied the mortified applicant, "I did not ask your Lordship for that. I have no fancy for brevet rank and half pay: but, if your Lordship has a silk gown to spare, my wife will be only too proud to wear it."

The Chancellor had two daughters. Respecting one of these, the following statement, from the pen of the present Earl, has been presented to the public through Mr. Twiss:*

"His (Lord Eldon's) eldest daughter, Elizabeth, after some unsuccessful attempts to obtain his consent to her marriage with Mr. George Stanley Repton, made her escape from Lord Eldon's house in Bedford-square, on the morning of the 27th of November, 1817; and, the bridegroom having made all requisite preparation, they were married by licence, at St. George's Hanover-square. Although in this instance the lady only followed the example of her father and mother, yet the

* Vol. ii. ch. xxxix. p. 298. The other daughter, Frances-Jane, the darling of her father, was afterwards married to the Rev. Edward Bankes.

head of the law would not allow the validity of his own precedent; and it was not until the year 1820 that a reconciliation took place."

Without entering into the question, whether the public was entitled to the painful communication of Lord Eldon's displeasure at his daughter, represented by Mr. Twiss, and perhaps with some reason, as "very much over-proportioned to the offence, both in degree and duration," I must, now that it has been made, observe that the paragraph lately quoted, affords another instance of that misapprehension of facts, which, in family matters, occasionally occurs in "the public and private life of Lord Chancellor Eldon." Why, after all, in that paragraph not the slightest inkling has been given of the offence which Lord Eldon alleged that he punished. Who, on reading that paragraph, and recollecting that Lady Eldon had eloped from her father's house at the age of eighteen, would not suppose that the offence committed by her daughter was that of a minor marrying without the consent of her father? And yet the fact was, that Miss Scott was then nearly twice the age at which her mother had become a wife; and the legal authority of her natural guardians had expired for years. The offence—as Lord Eldon stated it, and on the ground of which he endeavoured with his most intimate friends to excuse his severity—was, that his daughter had married one whom she had promised her father to give up.

As Lord Eldon's severe displeasure has already been proclaimed by Mr. Twiss, an anecdote may be given, singularly characteristic of the various conflicting elements which composed his temper and affections.

In a little more than a year after the marriage, Mrs. (now Lady Elizabeth) Repton gave birth to her only child, the present member for St. Albans. Her life was long in danger—probably at one time despaired of. At this period, and by her desire, her uncle, William Surtees, entreated Lord Eldon, his contemporary and school-fellow, to be reconciled to his own daughter; and entreated in vain. Her recovery was slow: and while she was recovering, Mr. Surtees again interceded for her. As he was proceeding, Lord Eldon thus abruptly, and somewhat angrily, interrupted him: "I am not surprised at the officious interference of some persons who have spoken to me on this subject; but I am surprised that so old a friend as you should take up the cause of my daughter against me." Mr. Surtees answered him:—"You know how ill your daughter has been. If she had died, and I had not spoken to you as I have done, what should you have thought of me?" The heart of the father was touched. He seized his brother-in-law by the hand; exclaimed, "Perhaps I should never have forgiven you!" and burst into tears.

Thenceforward Lord Eldon's anger was partially subdued. He now soon agreed to see his daughter: at a later period he was induced to see her child; and afterwards, as the last stage of the reconciliation, received Mr. Repton.

But it is time that we should pass from private to public matters.

Canning, the high-mettled showy racer of the political course, dashed onward to the goal, just gained it, and expired. Lord Goderich, respectable as his colonial secretary, succeeded him in the office of first

minister; but within six months, retired from a station he was incompetent to fill. The Duke of Wellington was then called to the confidence of his sovereign; and in January, 1828, formed an administration, without including or consulting Lord Eldon. The Ex-chancellor was chagrined at this neglect; and expressed little trust in the motley coalition of the old Liverpool and Canning parties, by which his cabinet was constructed.

In the spring of this year was carried, against the opposition of Lord Eldon, the bill for removing the disabilities imposed on Dissenters by the Test and Corporation Acts. The aged peer, with the wizard eye of experience, "looked into the seeds of Time," and foresaw that the next important measure of government would be one to admit Roman Catholics to Parliament—a measure which he persisted in maintaining would be the ruin of the British constitution.

As exemplifying not only the impressions at that time entertained by Lord Eldon, but the wary circumspection of his character, the following letter, addressed from his seat of Encombe, about the end of September, 1828, to his brother-in-law, William Surtees, will repay in the perusal the attention which it demands.

"*Monday Night.*

"Dear Surtees,

"I thank you for your last Letter. I hope the partridges proved good. They are scarce about this place, and the heavy Rain we have had will now make it difficult to find them, and walking for that purpose very wet work, and somewhat laborious.

"I hear nothing from Town, except what I know there is no foundation whatever for, viz., that it is reported that I am to come into Office: I mean reported in Town, for, except that I learn from London Correspondence that it is so reported, I have heard nothing respecting any such Matter. Indeed, if any such Offer was made, there is much to be explained before I would give any Answer. That no such Offer will be made I am as certain, as I can be of any Thing, that I do not positively know—and I am so, because I think I can't be mistaken when I believe that the Inflexibility of my Opinions respecting the Catholic Claims was with those, who are not inflexible as to those Claims, the Reason, or at least one of the Reasons, that produced that Silence towards me, which took place on the Change of Administration, and it remains very well known to be the fact that that Inflexibility cannot be shaken.

"There is not a Being in London, who corresponds with me in this dead Season of the year. So that I know nothing but what I hear from the Newspapers, which, at this Season, are very dull and stupid. You have probably seen in them the Letters of Lord Kenyon and the Duke of Newcastle.* There are not two

* Lord Kenyon's first letter "On the State of the Catholic Question," dated 30th of August, 1828, appeared in the *Morning Post* of the 2nd of September. His second letter, dated the 10th of September, appeared in the *Morning Post* of the 12th of the same month. After this, on the 18th of September, the Duke of Newcastle addressed a letter to Lord Kenyon on the same subject, which appeared in the *Morning Post* of the 23rd of the same month. These are the letters to which Lord Eldon referred.

better or [more†] well-meaning Men living—but it required great Consideration, and much good Advice, before these Letters should have been published—If as general Protestant Associations could have been hoped for in England, as there are likely to be in Ireland, the Step they have taken would have been undoubtedly right—but, sorry as I am to say it, the Truth seems to be that in England there seems to be little Anxiety among the different Ranks of Persons as to what Religion they profess, or whether there is any—and the danger is this—viz., that, as now a Sort of appeal is made to the Protestants of the Nation, if the protestant part of the Nation was equally divided, the Friends of the Roman Catholics would argue that, adding to one-half of the protestants, who, in that case, would be for them, their, the Roman Catholics', own Numbers, a large Majority of the whole of the people of the United Kingdom is for them—if such, therefore, was the Result, harm would be done—But more harm would be done, if it should happen that a Majority of the Counties in England should declare for them, or be neuter—and take no part against them, for then it would be quite impossible for the Friends of the Protestants in Parliament to say, as they have hitherto, that the Majority of the People of England are against the Catholic Claims. The County of Kent and that of Buckingham will petition agt them—but I hear of no other Movement. Durham and Northumberland will be for them or neuter. The same as to Dorset, Devon,

* I have inserted this word to complete the sense; though in the original, from which I am copying, it does not occur.

and Cornwall. To meet and petition in Yorkshire is a Matter of vast Expense, and I suppose won't be attempted—and I hear nothing of any other Counties. So that it seems to me that the appeal of those noble Lords to the People should not have been made, till they knew what the People would do upon that appeal. According to what the People do, the appeal will do Good, or do Mischief. And what is probable, I think, is not very pleasant to think of.

"The famous John Wilkes used to say that, as Member for Middlesex, he always followed the Instructions of his Constituents—which he was told was unconstitutional—He admitted it to be so in general Cases—but never in his Case, for said he, I always first tell my Constituents what Instructions they are to give me—So those noble Letter-writers—most excellent Men certainly—should have been sure what their Correspondents, the People at large, to whom, in fact, their letters are written, would or would not do, upon receiving their good Advice.

"Our Love to you and my Sister. Lady Eldon is as usual. John sends his Love to you both, together with Lady E.'s, and that of

"Yrs affy,

"ELDON."

In the following spring the anticipations of Lord Eldon were verified. The Roman Catholic Relief Bill became a government measure, and was carried. His opposition during its progress through the House of Lords was uncompromising; and loud were his complaints in private that nowhere was faith inviolable.

Amongst those of his old colleagues against whom he used to vent his indignation, Sir Robert Peel was the most prominent; for he maintained that he had reason to think that there had existed between the home secretary and himself a general accordance in political sentiments, and an entire union of opinion respecting the particular question of the Roman Catholic claims.

The zeal, which Lord Eldon on this occasion evinced, induced his admirers to institute a subscription for an "Eldon testimonial," to commemorate how "ably and uniformly," his exertions had been directed to the "maintenance of the Protestant Constitution of his country."

The friend, to whom the last letter was addressed, may be presumed to have applied to this testimonial the somewhat inaccurate description of a "national monument;" for Lord Eldon thus answered him, in a letter, probably written in the summer of 1829, containing much of the easy humour which characterised his conversation.

"Dear Surtees,

"I was sorry to find from your Letter that you were not so fully recovered as we had hoped and wished.

"All that I wish of my Country is that they would do me the Justice to believe that I have meant, and shall continue to at least to mean well, whilst I live, able, with any Exercise of Judgment, to form a Meaning.

"As to national *Monument*, my dear Friend, that honor must be paid only to those who are more deserving of it. As to any other Monument, the kindness of

that Being, who has given me Leisure, and a Respite from Labour between the Business of Life and the Close of it, that I might not go hence too well known to others, too little known to myself, I trust will postpone, for some Time longer, the Occasion, upon which it may be considered whether I should have a Monument to my Memory, or be quietly suffered, which perhaps is best for me, to be forgotten.

"I own that I am not in any great hurry to take possession of that little Spot of Land, which, when possessed, must be occupied by me till Time shall be no more. Our poor Friend Reay, if you remember, thought his Mother might be in a hurry about such a business, for his Father having, by will, left her a Vault in some Church, he wrote her a civil Letter to tell her that he would give her possession as soon as she pleased to take it."

In June, 1830, the demise of George IV. transferred the crown to his brother the Duke of Clarence. In the autumn of this year, when the foundations of political society throughout continental Europe were tottering to their fall, Lord Eldon watched the moral earthquake and eruption with timorous curiosity and gloomy anticipation. The latter part of the following letter, addressed by Lord Eldon to his brother-in-law William Surtees, evinces his feelings at that momentous crisis. The letter is proved by internal evidence* to

* I have read many letters from Lord Eldon to his intimate friends, in the inside of which there were no dates—a fact accounted for by the consideration that the franked envelopes, containing such

have been written at the commencement of September, 1830:—

"Dear Surtees,

"A great many Thanks to you for your Letter. I trust that your Entrance upon your 81st year may be only the Fore-runner of your entering upon, and enjoying, in many more, Health and all Blessings—and in this wish your Sister most heartily joins me—Our Love waits also upon my Sister, and we read, with much Satisfaction, your good Account of her health.

"I am very glad to hear so good an account of the Norfolk crops—but I confess I don't consider, (if Mr. Willis's Letters to me are right as to fact,) that these great Crops will be as beneficial to the Landlord or Tenant, as one might, in other Circumstances, have hoped—for he assures me that they have very good Crops—but that the Corn, imported from abroad, is already in quantity so great, that our Corn cannot sell, so as to enable the Farmer to get a price, which will enable him to pay his Taxes and his Rent—As to the political Changes, which are going on abroad, and which are leading to political Changes here, it seems, by no means, improbable that even you and I may live to see England without a Rag left of the Constitution, under which we have so long lived.

"I don't think we shall be able to move from Town,

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of his letters as were sent by post, would present the dates to those who received them. Afterwards, unluckily, the franks and letters have often been separated.

for, tho' I think Lady Eldon somewhat better, she is not sufficiently better to leave Town I doubt.

" Encombe is elected again, but there is a petition against his Election.

" Our best Love attends you and my Sister, and I am

Yr. old and sincere Friend

" ELDON."

CHAPTER VIII.

AMIDST the political convulsions of the Autumn of 1830, the first parliament of William IV. was assembled. In Ireland was raised the cry for a repeal of the union: over England was resounding the demand for Parliamentary Reform: while the Trades' Associations throughout the empire aggravated the apprehensions of the friends of order by the appearance of discipline and organization which they began to present. The cabinet of the Duke of Wellington had lost the support of party, without gaining the confidence of the nation. Whig and Tory agreed in distrusting it; and by a temporary, and perhaps factious, junction of antagonist extremes, the ministers, on the 5th of November, were beaten in the House of Commons. They immediately resigned the seals of office into the hands of the sovereign, who called Lord Grey to his confidence. Before the change of administration, Mr. Brougham had given notice, in the House of Commons, of a motion on the subject of Parliamentary Reform, which he was only prevented from bringing forward by his elevation to the chancellorship and peerage.

We shall shortly find Lord Eldon addressing his brother-in-law as follows:—

*Lord Eldon to Mr. (William) Surtees.**

"Dear Surtees,

"A great many Thanks from Lady Eldon and myself for your Letter received to day—We are happy to find you are in Progress to the Restoration of combined Health and Strength, and God grant that that Restoration may be soon entire and complete! May his kind Providence secure to you and my Sister many happy Years.

"You mention Ireland, and you mention reduction of Rents. These are melancholy subjects.

"That Rents must, after being already gently reduced, be still more, and largely reduced, I have no doubt, and the Land Owner, and the Owners indeed of every Species of property, have to look for more calamitous days than these descriptions of Men have ever yet seen in England.

"As to Ireland, all I hear leads me to fear that the Union will be repealed—I thought when I struggled against the Roman Catholic Bill that this might—nay, must be the Consequence—and now England, favouring the Catholics in Ireland, in all things, has driven the Protestants—the Orangemen, to join, I fear, in this project of repeal.

* Mr. Townsend, in vol. ii. p. 492, of his Lives of Eminent Judges, in quoting, from the New Monthly Magazine of April last, a portion of this letter, has made the mistake of stating that it was addressed to Mr. Wm. V. Surtees, who was the nephew of Lady Eldon and son of the gentleman named in the text. The author of this sketch begs to be forgiven, when he pays to the memory of Mr. William Surtees, the elder, such poor tribute as is afforded by acknowledging and recording the grateful affection of a grandson for the unvarying kindness of a grandfather.

"This Country is certainly in a worse State than you and I have ever known it—and I see no signs of improvement.—

"I send you and my Sister Lady Eldon's love and my own. Lady E.'s health remains much the same!

"Yours most affectionately,

"ELDON."

"27 Dec."*

Lady Eldon, after having suffered from an illness nearly two years, during which she was the object of inexpressible tenderness and solicitude to her husband, expired on the 28th of June, 1831. On the event Lord Eldon seemed crushed with grief; and, though he afterwards rallied, he ever continued to mourn her loss—constant in sorrow as in love.

The influence of Lady Eldon over her husband, always great, seemed only to increase with her age. Her affections were warm, as perhaps is commonly the case with those of retiring habits; and, notwithstanding her retiring habits, her disposition was active. The little savings, necessary under straitened means, are felt painful, principally because to the surrounding world they seem ridiculous. But as Lady Eldon secluded herself from society, and lived only for her husband and children, such habits of domestic thrift as she had ac-

* I hesitated, at first, whether to assign to the composition of this letter a place in the December of 1829, or that of 1830; for both were periods of national distress. But the allusion to the agitation on the union with Ireland—a subject which, in the autumn of 1830, had formed one of the topics of the King's speech—seems to suggest the latter year.

quired in early married life, were not brushed off when the necessities, which had produced them, passed away: and it became a reproach to her, that an economy, honourable in its commencement, was mean in its continuance. Lady Eldon derived from nature much simplicity of character, and retained through circumstances an entire ignorance of the world as it exists in the nineteenth century. Of the personal attractions of her youth, some mention has been made in the first chapter. And it may be added that, when in the company of those whom she valued, her address was sprightly and agreeable; and that on some occasion, perhaps the only one, when she presented herself at court, Queen Charlotte passed high encomiums on the graceful manners of the fair recluse. But, when it is recollected that a husband and a son—the one in his will, the other on his death-bed—desired to be buried close beside her, it will be pronounced that in spite of some admitted eccentricities, she must have possessed attractions more sterling than those which are comprised in person and manner.

But let us now return to the Earl of Eldon. In the spring of 1831, the ministry of Lord Grey introduced a bill for Parliamentary Reform. It was rejected in the Lower House before it had reached the Lords; and its defeat was followed by a dissolution. As the new House of Commons was elected at a period of great national excitement, many of its members were returned under the pledge of supporting the leading ministerial measure. The second Reform Bill, therefore, proceeded as far as the House of Lords; but there it was rejected; Lord Eldon being amongst those

who spoke and voted against it. The hardy adventurous crew, however, who manned the vessel of Reform, though twice she had wrecked, determined again to refit her, and a third time to trust her to the deep. Lord Eldon, together with a great body of the lords in opposition, influenced by the persevering demands of the country, the request of the king, and the ministerial threat to create peers, now abstained from voting. Hence, on the 4th of June, 1832, the Reform Bill was allowed to pass through the Upper House, and on the 7th of the same month became the law of the land.

Up to the end of July, 1834, Lord Eldon continued to speak occasionally in Parliament; and whenever legal or church matters were discussed, would raise his feeble voice to deprecate change. But he was heard with more of respect than attention. He had survived his influence; and was accounted unable to accommodate his opinions to the preceding, or the necessarily impending, alterations in our domestic policy.

As those, who consider the vast amount of application requisite for the discharge of the duties of Chancellor, may have some curiosity respecting the diet pursued by one, who, with a constitution by no means originally robust, was enabled to continue, for so protracted a period, such laborious exertions, a custom shall be mentioned which was adopted, and long continued, by Lord Eldon. Each night, just before he retired to his bed-room, Lord Eldon received from his butler a glass of ale, which he would drink off to the bottom. He persevered in this habit to a late stage of life: but, at length, Mr. Pennington, his medical attendant, prevailed upon him to relinquish it, on the ground that,

if persisted in, it would produce a tendency of blood to the head.

Towards the conclusion of 1833, or about the commencement of the following year, Lord Eldon, impressed with the prudence of "setting his house in order" against that event, which, in the course of nature, could not long be delayed, devoted a morning to the examination of the papers in his London residence in Hamilton Place. He destroyed many confidential letters, bearing on the politics of former times; and, though we may regret the irreparable loss of information, we must acknowledge the prudence and the propriety of the act through which we suffer. In the afternoon, when giving an account of his morning's work, Lord Eldon added, that "he had been connected with a good many administrations, and that there were many things which he did not wish afterwards to come out."

As Lord Eldon drew near the end of life, his memory, once so tenacious, began to fail him; and those, who had frequent access to him, complained, that they were weary of hearing him over and over again repeat the same stories. Perhaps, too, the temper, as well as the memory, might occasionally be affected. But the weaknesses of age are to be regarded, on their approach, with the reverential kindness and the sacred silence due to such hoary messengers, on so sad an errand—the venerable ambassadors from an unseen world!

Lord Eldon died on the 13th of January, 1838, in his eighty-seventh year.

To possess the affectionate and unlimited confidence of two successive sovereigns—to preside in the supreme courts of justice for more than a quarter of a century,

and to sit in the cabinet for nearly that period—to fill a prominent and influential position in various administrations, which checked the growth of anarchy at home, waged a great and successful war abroad, or established and maintained a long and prosperous peace—was the lofty destiny of the distinguished personage whose death has been just recorded.

The character of one, whose life was so successful and so conspicuous, must present a reasonable subject of curiosity to his fellows: and I shall endeavour, therefore, to give some additional assistance towards forming a just estimate of it.

Assiduous in the discharge of his various and most responsible duties, both political and judicial, it was seldom that Lord Chancellor Eldon devoted to physical and mental relaxation an interval from the cares of office. But when the autumnal holidays did arrive, no school-boy enjoyed them with a keener relish. An abundant flow of animal spirits is important, possibly essential, towards eminent success in a profession so disheartening in its commencement, so exacting and laborious in its prosecution, as that to which Lord Eldon belonged; but this was comprised in the happy temperament which he had received from Nature. When, in 1807, he purchased his seat of Encombe, in Dorsetshire, one of its strongest recommendations to him was, that its distance from London was so great that he should stand little chance of having his rural enjoyment interrupted by being summoned thence to consult on trivial occasions. When, then, he had arrived there he would give full play to the natural gaiety of his temper. "Tempora curarum remissionumque divisa.

Ubi conventus ac judicia poscerent, gravis, intentus, severus, et sæpius misericors: ubi officio satisfactum, nulla ultrà protestatis persona."* He, who had lately been seen under the bushy honours of his flowing wig, presiding in the Court of Chancery or the House of Lords, was here transformed into the light-hearted, simple-minded play-fellow of his own dogs and his bailiff's children. Not long after he had become possessed of the property, I have heard of him, while there, suddenly jumping up in the drawing-room and dancing a step to a tune of his own singing; and then observing with a smile to the family party around, "You don't know the luxury of playing the fool."

On some occasion, when going to call on Mr. Calcraft, who resided in the neighbourhood of Encombe, he saw, on passing through the grounds, two daughters of his friend, and two other girls playing at "see-saw" —two at each end of an oak tree, which had been cut down. He used, afterwards, laughingly to compliment one of the Misses Calcraft on the pretty ancle which he persisted that she had then revealed; and he commemorated his own happy fortune in the following *vers de societe*, copied from the original in Lord Eldon's hand-writing.

"In days of yore, as Roman poets tell,
One Venus lov'd in myrtle groves to dwell:
In modern days no less than *four* agree
To consecrate to fame our oaken tree—
Blest tree! the monarch shelter'd by thy arms!
The goddess† from thy boughs displays her charms."

"† Viz., Caroline."

* Tacitus. Vita Agricolæ. C. ix.

The young people of Lord Eldon's family, when this effusion was produced, declared that, for the encouragement of genius, its author should be decreed a poetic triumph; and, having made a wreath, they crowned the Chancellor with mock solemnity, that he might for the future—

> Instead of powder'd curls, let ivy twine
> Around that head so full of "Caroline;"

while he himself entered into their fun with all the zest of boyish frolic.

Such is the pleasing aspect under which the character of Lord Eldon would often appear. That the reverse side of the same medal presents a man with strong and permanent personal prejudices and resentments, will hardly be denied. That he, on some matters, was anxious to exact from his family a submission of their judgment to his own incompatible with proper independence—that his tenderness was changed for anger, his confidence for distrust, the moment that he considered his interest or his authority to be invaded—is a statement which cannot be disputed. With his eldest son, whom he loved and mourned so deeply, Lord Eldon used to be grievously annoyed, because, though a Tory, he professed to be not a party man, and had from principle declined occasionally to support in the House of Commons the measures supported by his father in the House of Lords.

Beneficial as the experience of kindness is to most characters, the excess of attention which Lord and Lady Eldon paid to each other, might be somewhat detrimental to both, as tending to render them too exacting of deference from those less eager to bestow it.

Whether or not Lord Eldon were unwilling to have, in his hours of relaxation, his hard-worked intellect still kept upon the stretch, certain it is that he did not generally select his most familiar associates from men of commanding ability. They were, for the most part, worthy fellows, who had a vast respect for him, could tell or listen to a good story, and crack with him a joke or a bottle of wine,

Lord Eldon's disposition in regard to parsimony and liberality has often been misunderstood. That Lord Eldon occasionally did very liberal actions I am well assured; that in private charity he gave away, and most unostentatiously too, large sums of money, is a fact which I am happy to record. But no one who had capacity for forming a just opinion, and an opportunity of knowing, and in an extended survey regarding, the whole of his conduct, ever thought him a liberal man. His charities never gushed from that loftiness and generosity of soul which loves to give for the sake of giving—of that feeling he could have formed no conception; but they proceeded from the impulses of a heart so sensible, so almost womanishly tender, that it could with difficulty bear the sight or even the knowledge of distress. When he indulged his passion for accumulation, it was the victory of the soul—when he dispensed his bounty, it was the triumph of the heart. This consideration will explain the puzzling phenomenon how the same person could have been sometimes described as liberal, and sometimes as mean.

As it is our prescriptive consolation in defeat to lay too much upon fortune, while, on the other hand, in success we attribute too much to ourselves, Lord Eldon,

in proportion as he advanced in rank and riches, was found to exaggerate—unconsciously, no doubt—the difficulties which he had to surmount in his entrance upon his profession. An early marriage, the surest check to the levity of morals and dissipation of fancy, so hostile to severe application, would facilitate the industry which it had rendered necessary; while the peculiarly domestic habits of his wife, whom he tenderly loved, would, by binding him to his own fire-side, still further dispose him to prosecute his studies. In her he would find a companion ever ready either to console him under disappointment or rejoice with him in success: nor is this an advantage to be lightly accounted. To the ordinary difficulties of his profession he opposed extraordinary diligence, and there were no unusual obstacles in his case to be surmounted.

On first joining circuit, he obtained business in the northern counties; and his second forensic year did not pass without his receiving a parliamentary retainer. The readiness with which he got into practice in Newcastle would give him confidence and encouragement: while the few years which elapsed before he obtained briefs in York, and got established in business in London, would teach him the importance of making the most of opportunities when they occurred, and of preserving and increasing his connexion by watchfulness and application. His discretion, still more even than his ability, exempting him from reverses of fortune, he passed through the regular gradations of professional and official life, till he mounted to the highest honours.

His labours as a common law and equity judge are

comprised in the sixteen sets of reports, the names of which are placed, in the second volume of the "Law Review," * at the head of the article entitled "Lord Eldon as a Law Reformer." But I shall not attempt to analyse Lord Eldon's extraordinary judicial qualifications and acquirements. The discussion of them would be wearisome to the unprofessional reader; and the professional reader will have already seen them frequently and ably discussed. Of his conduct, however, in the Court of Chancery, one anecdote shall be recorded.

Though the courtesy of the Chancellor to the bar was gratefully felt and acknowledged, yet it was often made a subject of complaint in the profession, that the judge appeared not to be listening to the arguments addressed to him.

On one occasion a barrister paused in the middle of his speech, and suggested that perhaps it would be more convenient that he should discontinue his observations until his lordship should have finished writing the letter in which he appeared engaged. The Chancellor received the remark without signs of irritation; answered that he certainly was writing a letter, but at the same time he was attending to the speech; and added that had he not known that in his own case another employment was not inconsistent with contemporaneously bestowing the requisite attention upon the cause, he should never have attempted it; and that to

* No. 4. In addition to the various publications bearing on Lord Eldon to which reference has already been made in the course of these chapters, I am bound also to mention the articles upon him in Nos. 5 and 6 of the "Law Review."

prove his assertions, he would repeat what had been said. He then with great fidelity recapitulated all the observations of the counsel.

His speeches and arguments, whether delivered in the capacity of counsel, judge, or senator, displayed none of that clear and polished felicity of diction which distinguished those of his eldest brother. But in his person and clothes he was as remarkable for neatness, as Lord Stowell was for the want of it. Perhaps, however, this latter distinction was produced rather by the fastidious exactness of Lady Eldon, and the gallantry which her husband always evinced towards her, than by the spontaneous impulse of his own disposition.

In the commerce of society, the address and conversation of Lord Eldon were singularly agreeable. His anecdotes (especially professional ones, of which he had a rich store) he would relate with dry humour, not laughing himself, but suddenly looking up, at the point of the story, with an arch smile and mirth-beaming eye, the influence of which no gravity could resist. He was ready at repartee, and had a turn for sarcasm; but it was as bright, playful, and innocuous as the vapour lightning in a cloudless sky. In the early part of Lord Eldon's Chancellorship, George III. asked him, in good-humoured badinage, whether ever before there was a king who had a Chancellor and an Archbishop of Canterbury, both of whom had run away with their wives: When Lord Eldon adroitly and drolly turned the joke upon the venerable metropolitan who was present, with "Let the archbishop answer that question, please your majesty." It is said that a guest, who had first dined

with Lord Stowell at Lord Eldon's and then with Lord Eldon at Lord Stowell's, whispered, on the latter occasion, to Lord Eldon, that his brother seemed no longer to care about wine, for he evinced none of his former zeal in helping himself and passing the bottle. "My brother will drink any *given* quantity of wine," was the arch and significant answer.

The fascination of Lord Eldon's manner will best be appreciated through a knowledge of its effects. George IV., when merely Prince of Wales, had bitterly hated him. As Prince Regent, however, being drawn within the charmed circle of the Chancellor's society, he was converted into his friend.

During the insanity of George III., the Princess Charlotte had been sternly, and even rudely, rebuked by Lord Eldon for opposing the wishes of her father; and, in relation to a letter which she had written to the Prince Regent, the Chancellor told the Princess, that "if she had been his daughter, and had written him such a letter, he would have locked her up till she came to her senses."* Yet no sooner had she arrived at womanhood, than his powers of attraction began to produce their wonted effect; and when he came to Claremont, to be present at her confinement, he found that she had given orders that the best bed in the house should be prepared for him; while some of the other lords who were there had to sleep on the carpet.†

Lord Eldon, to the end of his career, entertained a grateful recollection of any kindness which he had received at its commencement. In his private friend-

* Memoirs of the Times of George IV., vol. i. p. 193.

† Twiss, vol. ii. p. 209.

ships he was affectionate and constant: But his temporary connexion with Queen Caroline when Princess of Wales, and, perhaps, some other incidents, suffice to show that in public life there was no deficiency, on the *proper* occasions, of a convenient versatility—an invaluable ingredient to those who would rise. It was, probably, from a consciousness of this, that he so pertinaciously arrogated to himself the credit of undeviating consistency; and that flattery, of which he was somewhat exacting, never stole more sweetly upon his ear than when it invested him with this attribute.*

The Nestor and the Ulysses of the latter administrations with which he was connected, he well knew—no one better—the value, as an instrument of power, of the reputation of political honesty, and that it should not be risked for the attainment of trivial advantages. Having risen from the middle walks of life, he was more intimately acquainted with "the ebbs and floods of popular councils, and the winds that move those waters,"† than were others of his colleagues, whose birth and education had been within the sphere of the court: and he closely watched every movement of public opinion, analyzed its causes, gaged its strength, calculated its duration.

With but little of pride do the friends of Lord Eldon turn the pages of the statute-book: for, though there can be no doubt that his caution intercepted many bad measures, his energy has introduced few good ones.

* Twiss, vol. iii. p. 231.

† Clarendon's "History of the Rebellion."

Yet for the legislative laches of the administrations in which he was so long Chancellor, Lord Eldon was not entirely, nor, perhaps, principally, to blame. To the reform of the penal code, it is stated* by Lord Brougham that Lord Liverpool was the chief obstacle.

The hand of the same gifted limner has depicted Lord Eldon as a champion of the throne and the altar, who confounded every abuse, that surrounded the one or grew up within the precincts of the other, with the institutions themselves, and was alike the determined enemy of all who would either invade the institution or extirpate the abuse. But in justice to Lord Eldon, it must be recollected, that he had witnessed the effects, and formed his mind upon the experience, of that French Revolution—so mild in its promises, so bloody in its performances—which terrified even the firm and mighty intellect of Burke into deserting for ever the banners of Reform.

Lord Eldon, however, lived to survive the school in which he had been trained. Its system, at the time of his death, had become obsolete. New principles and another name were assumed by the party to which he had belonged. And ancient Toryism, which had grown decrepit with him, with him was buried in the grave.

* The sketch of Lord Liverpool in the "Statesmen of the Time of George III."

THE END.

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